ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. xl.

An Act to repeal the Provisions of Two several Acts for lighting with Gas the Town of *Brighthelmstone* in the County of *Sussex*, and for making other Provisions in lieu thereof.

[30th *June* 1848.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for lighting with Gas the Town of* Brighthelmstone *in the County of* Sussex: And whereas an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and explain the Powers of an Act of His late Majesty for lighting with Gas the Town of* Brighthelmstone, *and to raise a further Sum of Money for carrying the Purposes of the said Act into execution:* And whereas under and by virtue of the said Acts a Company was established and incorporated by the Name of "The *Brighton* Gaslight and Coke Company," with Authority to raise the

58 G. 3. c. 87.

4 G. 4. c. 97.

Sum of Forty-five thousand Pounds for the Purposes in the said Acts mentioned, but no Power of borrowing any Sum of Money upon Mortgage or otherwise was included in or given by the said Acts or either of them: And whereas since the passing of the said Acts the said Town of *Brighthelmstone* has greatly increased in Population and Buildings, and the Demand for Gas within the said Town and its Neighbourhood has also greatly increased: And whereas it is expedient, in order more effectually to meet the said increased and still increasing Demand for Gas in the said Town of *Brighthelmstone* and its Neighbourhood, that Power should be granted to the said Company to raise an additional Sum of Money, and to extend their Supply of Gas to the several Parishes herein-after mentioned, and that some of the Provisions of the said recited Acts should be altered and enlarged: And whereas such Objects might be more conveniently effected if the said recited Acts were repealed, and other Powers granted instead thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it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, That on the passing of this Act the said recited Acts passed respectively in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third and the Fourth Year of the Reign of His Majesty King *George* the Fourth shall be and the same are hereby repealed: Provided always, that all Offences which shall have been committed, and all Penalties and Forfeitures which shall have been incurred, previously to the passing of this Act shall be punishable and recoverable respectively under the said recited Acts as if the same had not been repealed.

Recited Acts repealed.

Conveyances, &c., under recited Acts to remain valid.

II. Provided always, and be it enacted, That the repealing of the said Acts shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Lease, Covenant, Agreement, Contract, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, executed, entered into, or transacted under or by virtue or in pursuance of the said hereby repealed Acts or either of them, but all such Purchases, Sales, Conveyances, Grants, Leases, Covenants, Agreements, Contracts, Securities, Acts, Matters, and Things shall be and the same are hereby declared to be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the said Acts were not repealed.

Re-establishment of Company.

III. And be it enacted, That the several and respective Persons and Corporations who at the Time of the passing of this Act were Proprietors of or Subscribers for Shares in the *Brighton* Gaslight and Coke Company, and their Executors, Administrators, Successors, and

and Assigns respectively, shall be and they are hereby united into a Company for the Purpose of lighting with Gas the Town of *Brighthelmstone*, and the Parishes of *Brighthelmstone*, *Preston*, *Hove*, *Rottingdean*, and *Ovingdean*, all in the County of *Sussex*, and for the Purposes aforesaid shall be incorporated by the Name of "The *Brighton* Gaslight and Coke Company," and by that Name shall be a Body Corporate with perpetual Succession, and shall have full Power to purchase and hold Lands of any Tenure, and all Rights and Interests therein, for the Purposes of this Act, within the Restrictions herein and in the Acts herein incorporated contained; and such several and respective Proprietors and Subscribers shall be and be deemed to be Proprietors of and Subscribers for the like Number of Shares in the Company hereby incorporated, and be interested therein in the like Parts, Shares, and Proportions, and shall be subject to the same Provisions in all respects with reference to the Payment of Calls on and the Forfeiture of such Shares, as if such Shares had been created under the Authority of this Act.

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 15. incorporated with this Act.

IV. And be it enacted, That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, save as to such Parts thereof as may be modified by or are inconsistent with the Provisions or Purposes of this Act.

Construction of Terms.

V. And be it enacted, That in construing this Act and the several Acts incorporated herewith, the Expression "the Undertaking" shall mean as well the Gasworks and Works connected therewith by this Act authorized to be constructed as also the Gasworks and Works vested in the Undertakers by this Act, and the Expression "the Undertakers" shall mean the Company incorporated by this Act.

Works, &c., of old Company vested in new Company.

VI. And be it enacted, That all Lands, Buildings, and Premises, and all Retorts, Gasometers, Receivers, Mains, Pipes, and other Apparatus, and all Easements, Rights, Powers, and Privileges whatsoever, and the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, or of or to which the said *Brighton* Gaslight and Coke Company was seised, possessed, or entitled at Law or in Equity at the Time of the passing of this Act, and all Interest and Property at Law or in Equity therein, shall be well and effectually vested in and belong to the Company hereby incorporated, and may be used, employed, and enjoyed by the said Company, for their absolute Benefit and for the Purposes of this Act.

Chattels and Choses in Action and

VII. And be it enacted, That from and immediately after the passing of this Act all the Monies, Goods, Chattels, Books, Writings, and

and

Personal Estate of former Company vested in new Company.

and other Personal Estate and Effects of or to which the said *Brighton* Gaslight and Coke Company was possessed or entitled at Law or in Equity at the Time of the passing of this Act shall be vested in and belong to the Company hereby incorporated for their absolute Benefit, and all Persons and Corporations who at the Time of the passing of this Act owed any Sum of Money to the said *Brighton* Gaslight and Coke Company, or to any Person on their Behalf, shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the Company hereby incorporated, and all Debts and Monies which at the Time of the passing of this Act were due and owing by or recoverable from the said *Brighton* Gaslight and Coke Company, or for the Payment of which they were or but for the passing of this Act would have been liable, shall be paid with all Interest (if any) due or to accrue due thereon by or be recoverable from the Company hereby incorporated.

Rents now payable to continue till altered.

VIII. And be it enacted, That all Rents or Charges reserved, agreed, or contracted for under or by virtue of the said Acts hereby repealed, and which at the Time of the passing of this Act shall be due and payable, or if this Act had not passed would have been due and payable or would have accrued due and payable, shall continue to be payable until the same shall be altered or reduced under the Authority of this Act, and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rents or Charges to be reserved, contracted for, or received in pursuance of this Act may be collected or recovered.

Actions, &c. not to abate, and Penalties to be recoverable.

IX. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the said *Brighton* Gaslight and Coke Company previously to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but on the contrary the same shall continue and take effect both in favour of and against the Company hereby incorporated in the same Manner in all respects as the same would have continued and taken effect in relation to the said *Brighton* Gaslight and Coke Company if this Act had not been passed.

Officers to continue until removed.

X. And be it enacted, That every Officer and Servant appointed by virtue of or acting under the Authority of the said recited Acts hereby repealed, or either of them, shall hold and enjoy his Office and Employment together with the Salary or Emoluments thereunto annexed, and be deemed an Officer and Servant of the Company hereby incorporated, until he shall be removed from such Office and Employment, and such Officer and Servant shall have the like Power and Authority for the Purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like Power of

Removal,

Removal, and the like Pains and Penalties, and to the like Rules and Regulations in all respects whatsoever as if he had been appointed under the Authority of this Act.

Books, &c. being Evidence to continue so.

XI. And be it enacted, That all Books and other Documents whatsoever by the said recited Acts hereby repealed, or either of them, authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

Officers under former Acts to account under this Act.

XII. And be it enacted, That all Officers and Persons who at the Time of the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or any Effects under or by virtue of any of the Provisions of the recited Acts hereby repealed, shall account for and deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner and subject to the same Process, Pains, and Penalties for Refusal or Neglect as if such Officers or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act.

Short Title.

XIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Brighton* Gaslight Act, 1848."

Capital.

XIV. And whereas the present Capital of the Company raised or authorized to be raised under the said recited Acts is Forty-five thousand Pounds, divided into Two thousand two hundred and fifty Shares of Twenty Pounds each, and it is expedient that the same be increased to Ninety thousand Pounds; be it enacted, That Ninety thousand Pounds shall be the future Capital of the Company, and shall be divided into Four thousand five hundred Shares of Twenty Pounds each.

Shares to be created by this Act.

XV. And be it enacted, That it shall be lawful for the Company to create new Shares of the nominal Value of Twenty Pounds each, for the Purpose of completing the additional Capital by this Act authorized to be raised.

New Shares to be considered the same as original Shares.

XVI. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares on Nonpayment of Calls or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for

such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares at a Premium new ones to be offered to the Shareholders.

XVII. And be it enacted, That if at the Time of any such Creation of new Shares the then existing Shares be at a Premium or of a greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid, and such Offer shall be made by Letter under the Hand of the Secretary given to or sent by Post, addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

Shares to vest in the Parties accepting, otherwise to be disposed of by the Directors.

XVIII. And be it enacted, That the said new Shares shall vest in and belong to the Shareholders who shall accept the same and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deemed most beneficial for the Advantage of the Company.

If not at a Premium to be issued as Company think fit.

XIX. And be it enacted, That if at the Time of any such Creation of new Shares the existing Shares be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner and on such Terms as the Company shall think fit.

Power to borrow additional Money on Mortgage;

XX. And be it enacted, That it shall be lawful for the Company at any Time after the passing of this Act to borrow on Mortgage or Bond any Sum of Money not exceeding the Sum of Fifteen thousand Pounds.

and a further Sum of 15,000*l.* when Capital shall be subscribed, &c.

XXI. And be it enacted, That it shall be lawful for the said Company to borrow on Mortgage or Bond the further Sum of Fifteen thousand Pounds, when and so soon as the said Capital of Ninety thousand Pounds shall have been subscribed for, and One Half thereof actually paid up.

Number of Directors.

XXII. And be it enacted, That the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession by him of Ten Shares in the said Company.

XXIII. And

Power to vary Number of Directors.

XXIII. And be it enacted, That it shall be lawful for the said Company to reduce the Number of Directors, provided that the reduced Number be not less than Six.

First Directors.

XXIV. And be it enacted, That *Henry Wheeler*, *Daniel Henry Walne*, *Francis Baildon*, *John Cole*, *James Blacket*, *James Birch*, *Thomas Walter Perry*, *Dawson Turner*, and *Richard Tamplin* shall be the first Directors of the Company.

Not to take Lands but by Agreement.

XXV. And be it enacted, That nothing in this Act or in the said Lands Clauses Consolidation Act shall authorize the Company to purchase, take, or use any Lands unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Owners may grant Leases.

XXVI. And be it enacted, That the Persons empowered by the said Lands Clauses Consolidation Act to convey Lands shall have full Power to grant, and the Company shall have full Power to accept, Leases of any Lands, or of any Easement, Power, or Authority in or over such Lands, for the Purposes of this Act.

Limiting Quantity of Land to be taken.

XXVII. And be it enacted, That the Lands to be taken by the Company in addition to the Lands held by them at the Time of the passing of this Act shall not exceed Five Acres.

Provision when Persons under Disability are interested.

XXVIII. Provided always, and be it enacted, That the Consideration for any Lease which shall be granted of any such Lands in which any Person under Disability shall be interested, shall be the best yearly Rent, payable half-yearly or oftener, that can be reasonably obtained, without taking any Sum of Money by way of Fine, Prémium, or Foregift; provided also, that where any Lands have been already or shall by virtue of this Act be hereafter taken on Lease for the Purposes of the said Undertaking, it shall be lawful for the said Company at any Time subsequently to purchase the Reversion of such Lands or the Discharge thereof from the Rents reserved by and the Covenants contained in such Lease.

Lease from the Earl of Abergavenny to former Company confirmed.

XXIX. And whereas the Right Honourable the Earl of *Abergavenny* has, by an Indenture of Lease dated on or about the Fourth Day of *December*, One thousand eight hundred and forty-seven, demised unto the said *Brighton* Gaslight and Coke Company and their Successors, for the Purposes of their Works, a Piece of Land adjoining thereto in the Parish of *Rottingdean* in the County of *Sussex*, and therein particularly described, for the Term of Seventy-five Years from the Day of the Date of the said Indenture, at the yearly Rent of Forty Pounds, a Counterpart of which Lease has been executed by the said Company: And whereas the said Company were not expressly authorized

authorized by the said repealed Acts, or either of them, to take Lands on Lease; be it therefore enacted, That the said Lease shall be and be deemed and taken to be as effectual to all Intents and Purposes as if the same had been taken by the said Company subsequently to the passing of this Act.

Power to Undertakers to construct Gas works.

XXX. And be it enacted, That subject to the Provisions in this and the said incorporated Acts contained it shall be lawful for the Company from Time to Time to maintain or to discontinue any existing Gasworks, Apparatus, and Buildings of the Company, and to construct and maintain such other Gasworks and Apparatus, and such Buildings, with Approaches thereto, upon the Lands belonging to the Company, or hereby authorized to be purchased or taken on Lease by them, and to do all such other Acts as they shall think necessary for supplying the Inhabitants within the Town and Parishes aforesaid with Gas, and to supply such Gas upon such Terms as shall be agreed upon between the Company and the Persons supplied therewith, and to sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas in such Manner as the Company may think proper.

Company not to establish any Works within the Parish of Brighton, &c.

XXXI. Provided always, and be it enacted, That it shall not be lawful for the Company to erect, establish, or use any Manufactory, Gasometer, or other Building or Work for the Purpose of creating, making, or depositing Gas at or in any Place within the Parish of *Brighton*, nor within the Distance of One Mile at least from the East Side of a certain House called or known by the Name of the *Albion* Hotel, at the South End of the *Old Steine* in *Brighton* aforesaid, or on the South Side of the Company's present Buildings or Works, under the Penalty of One hundred Pounds for every Day such Manufactory, Gasometer, Building, or Work shall be so erected, established, or used, to be recovered, with full Costs of Suit, by any Person who shall sue for the same by Action of Debt in any of the Superior Courts, and the said Sum or Penalty when recovered shall be paid to the said Commissioners for improving the Town of *Brighthelmston*, or their Treasurer for the Time being, to be by such Commissioners applied for the public Benefit of the said Town.

Regulating the Discharge of Washings of Works into the Sea.

XXXII. And be it enacted, That it shall not be lawful for the Company to carry or convey, or cause to be carried or conveyed, or lett off any waste Water, Washings, or Liquids of any Sort or Kind whatsoever, which shall arise, be collected, made, or produced in or by the manufacturing, procuring, or purifying of Gas, or in or by the Prosecution of any of the Works hereby authorized to be erected, established, or used, but at low Water, and between the Hours of Ten of the Clock at Night and Four of the Clock in the Morning, nor

nor to discharge any such waste Water, Washings, or Liquids nearer the Shore than Twenty Feet below Low-water Mark, at the lowest Ebb Tide, or nearer the said *Albion* Hotel than One Mile, or to lay down any Pipe or make any Drain for such Purpose nearer to the said *Albion* Hotel than One Mile, on pain of forfeiting for every Time such waste Water, Washings, or Liquids shall be carried or conveyed or let off as aforesaid, or any Pipe or Drain shall be laid down or made within the said Distance of One Mile, the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same by Action of Debt in any of the Superior Courts, and the said Sum when recovered shall be paid to the said Commissioners or their Treasurer for the Time being, to be by such Commissioners applied for the public Benefit of the said Town.

Levels of Pipes to be altered in certain Cases.

XXXIII. And be it enacted, That in case any Main or Pipe belonging to the Company shall at any Time be placed or laid along, under, or across any Street paved or repaired by or under the Direction of the said Commissioners, and the said Commissioners shall at any Time deem it necessary or expedient to alter the Level of such Street so as to render it necessary to relay such Main or Pipe, then and in every such Case the same shall be relaid by and at the Expense of the Company.

Furnaces erected to consume their own Smoke

XXXIV. And be it enacted, That from and after the First Day of *January* next all Furnaces employed or to be employed in the Works of the Company shall, in all Cases where the same is practicable, be so constructed as to consume or prevent their own Smoke; and that if any of the Persons employed in the said Works shall after that Day use any Furnace which shall not be so constructed, or shall negligently use the same, whereby the Smoke thereof shall not be prevented or consumed as aforesaid, he or they so offending and being convicted thereof before any Two or more Justices of the Peace acting for and within the Jurisdiction wherein the said Works are, on Complaint being made within One Month after the Cause of such Complaint shall have arisen, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds or be committed to the Common Gaol or House of Correction of the County of *Sussex*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless the said Penalties, and all Costs, Charges, and Expenses, shall be sooner paid or satisfied: Provided always, that nothing herein contained shall extend or be construed to extend to any Furnace or Furnaces in which Coke only shall be used.

Gas Rents, &c. may be recovered by Distress.

XXXV. And be it enacted, That all Gas Rents and Remuneration for the Purchase or Hire of Meters or Fittings due to the Undertakers, and all Damages, Costs, and Expenses which are by this Act or any

Act or Part of an 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.

Saving Rights of the Commissioners under Act 6 G. 4. c. 179.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, diminish, or affect any of the Rights, Powers, or Privileges of the said Commissioners for the Time being acting in Execution of the Powers of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better regulating, paving, improving, and managing the Town of* Brighthelston *in the County of* Sussex, *and the Poor thereof.*

Public Act.

XXXVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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