ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xxi.

An Act for incorporating the *Bury Saint Edmund's* Gas Company, and for better supplying the Town and Borough of *Bury Saint Edmund's* in the County of *Suffolk* with Gas.

[26th *June* 1849.]

WHEREAS certain Persons some Years since formed themselves into an Association or Company for the Purpose of supplying with Gas the Town and Borough of *Bury Saint Edmund's* in the County of *Suffolk*, and for that Purpose erected Gasworks and other Conveniences for the Manufacture of Gas, and laid down Mains and Pipes in the public Streets and Places of the said Town and Borough, at their own Costs: And whereas certain other Persons have lately agreed to form themselves into a Company under the Title of "The *Bury Saint Edmund's* Gas Company," and are desirous of being incorporated for the Purpose of more effectually lighting the said Town and Borough with Gas, and of having certain Powers granted to them for carrying on their Undertaking, 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 the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, except so far as the same are inconsistent with the Provisions of this Act, or are herein-after expressly varied or altered.

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

Construction of Terms: "the Undertaking:"

II. 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 other Works connected therewith by this Act authorized to be purchased and constructed, as also the Gasworks, and other Works, Matters, and Things, vested in the said Company by this Act; and the Expression "the Undertakers" shall mean the Company incorporated by this Act.

"Quarter Sessions."

III. And be it enacted, That the Expression "Quarter Sessions" in the said incorporated Acts shall be construed to mean and refer to the Quarter Sessions of the Peace for the Borough of *Bury Saint Edmund's*.

Short Title.

IV. 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 *Bury Saint Edmund's* Gas Act, 1849."

8 & 9 Vict. c. 18. incorporated with this Act.

V. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act; and the Provisions of the said Lands Clauses Consolidation Act shall be applicable to the Undertaking hereby authorized, except as herein-after mentioned.

Nothing to authorize Company to take Lands without Consent.

VI. Provided always, and be it enacted, That nothing in the said Lands Clauses Consolidation Act contained shall authorize the Company hereby constituted to take or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Limits of Act.

VII. And be it enacted, That the Limits of this Act shall extend to and include all Places within the Town and Borough of *Bury Saint Edmund's* in the County of *Suffolk*.

Company incorporated.

VIII. And be it enacted, That *Robert Bevan*, *George Moor*, *Francis King Eagle*, *Charles Beard*, *David Goldsmith*, *Henry Newson*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the said Undertaking, and their several and respective Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for maintaining the existing Gasworks, or erecting new ones, with proper Works and Conveniences connected therewith, according to the Provisions in this and the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Bury Saint Edmund's* Gas Company," and by that Name shall be a Body Corporate,

porate, with perpetual Succession, and shall and may sue and be sued, and shall have Power to purchase and hold Lands, for the Purposes of the said Undertaking.

Power to hold Lands limited.

IX. Provided always, and be it enacted, That it shall not be lawful for the Company to purchase or hold for the Purposes of the Undertaking more than Ten Acres of Land.

Amount of Capital.

X. And be it enacted, That the Capital of the Company shall be Twelve thousand Pounds.

Shares.

XI. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Twelve hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

XII. And be it enacted, That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and that Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share, and that Two Months at the least shall intervene between successive Calls.

Power to borrow Money on Mortgage.

XIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of Four thousand Pounds, including the Sum of Two thousand five hundred Pounds herein-after mentioned, or so much thereof as for the Time being shall have been borrowed and remain due, but no Part of such Sum of Four thousand Pounds shall be raised until the whole of the said Capital or Sum of Twelve thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Arrears may be enforced by Appointment of a Receiver.

XIV. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Two thousand Pounds in the whole.

First and other Meetings.

XV. And be it enacted, That the First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held on the Second *Friday* in the Months of *February* and *August* in every Year, and the First of such Ordinary Meetings shall be held at the Gasworks in the Town and Borough of *Bury Saint Edmund's* aforesaid, and all such Meetings (whether ordinary or extraordinary) shall be held in the said Town of *Bury Saint Edmund's*.

Number of Shareholders to convene Extraordinary Meeting.

XVI. And be it enacted, That the Number of Shareholders on whose Requisition any Extraordinary Meeting may be required to be convened shall be Five Shareholders holding in the aggregate not less than Five hundred Pounds in the Capital of the Company.

XVII. And

Scale of Voting.

XVII. And be it enacted, That the Scale according to which Shareholders may vote in respect of their Shares shall be as follows; that is to say,

For One Share or more, but not exceeding Five, One Vote;
For more than Five Shares, but not exceeding Ten, Two Votes;
For more than Ten Shares, an additional Vote for every Five Shares:

Provided always, that no Person shall have more than Twenty Votes, notwithstanding any Number of Shares that he may hold.

Number and Qualification of Directors.

XVIII. And be it enacted, That, subject to the Provisions herein contained for increasing or reducing the Number of Directors, the Number of Directors shall be Nine; and the Qualification of a Director shall be the Possession in his own Right of Ten Shares or more in the Undertaking.

Power to vary the Number of the Directors.

XIX. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors of the Company, but the whole Number of Directors, after such an Increase or Reduction as aforesaid, shall not be greater than Nine nor less than Six.

First Directors.

XX. And be it enacted, That *Robert Bevan*, *George Moor*, *Francis King Eagle*, *Charles Beard*, *David Goldsmith*, and *Henry Newson*, shall be the First Directors of the Company for general Purposes, and *John Trevethan*, *Henry Le Grice*, and *Johnson Gedge* shall be the First Directors on behalf of the Commissioners herein-after mentioned.

The Amount of reserved Fund.

XXI. And be it enacted, That the Amount of the reserved or contingent Fund shall be One thousand two hundred Pounds.

On Payment of 8,500*l.*, the present Gasworks and other Property of the former Company to vest in the new Company.

XXII. And whereas the said Company hereby incorporated have entered into a conditional Agreement with the said former Association or Company for the Purchase of the said present Gasworks, with the Apparatus, Mains, Service and other Pipes, Meters, Lamps, Posts, and other Articles and Things belonging thereto, for the Price or Sum of Eight thousand five hundred Pounds: Be it therefore enacted, That upon the Execution of a Deed of Conveyance, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the said Purchase or Consideration Money, and upon Payment by the Company hereby incorporated unto the Persons for the Time being constituting the said former Company or Association of the Sum of Eight thousand five hundred Pounds in the Manner already agreed upon for that Purpose, as well the said existing Gasworks, and all other Works, Buildings, and Conveniences thereto belonging, and all Lands and Grounds held or occupied therewith, as also all and singular the Apparatus, Mains, Service and other Pipes, Meters, Lamps, Lamp Irons, Posts, and all other Matters and Things heretofore the Property of or belonging to and vested in the said former Company or Association, or any Trustee or Trustees on their Behalf, at the Time of the passing of this Act, and all their Estate, Right, and Interest therein, shall be and the same are hereby vested in the Company hereby incorporated, and shall be applicable

to

to or for the Purposes of this Act: Provided always, that all Persons having any Interest, Charge, or Claim whatsoever in or upon the said Gasworks and Premises so agreed to be purchased as aforesaid shall have the same or the like Interest, Charge, and Claim in and upon the said Sum of Eight thousand five hundred Pounds, so agreed to be paid to the said former Association or Company as aforesaid, and that nothing herein contained shall defeat or prejudice the Claims of any Person or Persons upon or against the several Parties who were Members of the said former Association or Company.

Power to Undertakers to construct Gasworks, &c.

XXIII. And be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company hereby incorporated to continue the said existing Gasworks, and from Time to Time to construct and maintain such new or other Gasworks and Apparatus, and such Buildings, with Approaches thereto, upon the Lands belonging to the Company, or hereby authorized to be purchased by them, and to do all such other Acts as they shall think necessary for supplying the Inhabitants within the Limits of this Act 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.

Power to Undertakers to lay Pipes for lighting Buildings.

XXIV. And be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipes into, through, or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Company to supply Gas to the Commissioners at cost Price.

XXV. And whereas the Commissioners acting under the Authority and in execution of an Act passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for better paving, lighting, cleansing, watching, and otherwise improving the Town of* Bury Saint Edmund's *in the County of* Suffolk, and of another Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend, extend, and render more effectual an Act of His late Majesty for paving, lighting, cleansing, watching, and otherwise improving the Town of* Bury Saint Edmund's *in the County of* Suffolk, have consented to the Company hereby incorporated being authorized and empowered to light the said Town and Borough of *Bury Saint Edmund's* with Gas in the Manner and upon the Terms herein-after expressed, and also to advance and lend to the said Company by way of Loan as herein-after mentioned the Sum of Two thousand five hundred Pounds, in order to increase their Capital, without requiring any Interest to be paid for or in respect of the same: Be it therefore enacted, That in consideration of the Commissioners acting under the Two several herein-before mentioned Acts consenting to the passing of this Act, and to the vesting in the said Company of the several

51 G. 3. c. 9.

1 G. 4. c. 61.

Powers and Authorities hereby granted, and upon the said Commissioners advancing to the said Company the Sum of Two thousand five hundred Pounds without Interest, by way of Loan, and an Increase of their Capital as herein-before mentioned, the said Company hereby incorporated shall and may and they are hereby required, from Time to Time until the said Sum of Two thousand five hundred Pounds shall be repaid by them, to furnish and supply the said Commissioners acting under or in execution of the said herein-before mentioned Acts with such a Quantity or Amount of Gas as they may require for the Purpose of lighting the public Lamps and public Places within the said Town and Borough of *Bury Saint Edmund's* at the Price of Three Shillings *per* Thousand Cubic Feet of pure Gas, to be tested in the usual Manner, so far as the present Mains extend, with a fair and reasonable Addition thereto for any more Mains which may hereafter be specially laid down for public Lights, exclusive of the Expense of lighting, extinguishing, and cleansing the Lamps, which Expense is to be defrayed and borne by the said Commissioners: Provided always, that it shall be competent for the said Company and Commissioners at any Time to make any Alteration in the Price of the Gas supplied to the said Commissioners which may be rendered just and necessary by any Alteration in the Cost of Production, Bulk, illuminating Power, or other Matters connected therewith, as they shall mutually agree upon; and in case of any Difference or Dispute relating thereto, the same shall, with the Consent of both Parties, be referred to some experienced Gas Valuer or Engineer, whose Decision in the Matter shall be final and conclusive upon both Parties, and the Costs of the Reference shall be at the Discretion of the Referee or Arbitrator.

Company to provide Posts, Lamps, &c. for the public Lights without Charge.

XXVI. Provided always, and be it enacted, That the said Company shall provide all Posts, Lamps, and requisite Apparatus for the supplying of Gas to the public Lights without any Charge to the said Commissioners, except for the Cost of any Posts, Lamps, and Apparatus required for any additional Mains specially laid down or maintained for public Lights as herein-before provided.

Maximum Charge or Price.

XXVII. And be it enacted, That the maximum Charge or Price to be charged to any Person, Company, or Corporation in respect of the lighting of any Building, House, or Premises whatsoever, other than the said Commissioners in their public Capacity, shall in no Case exceed the Sum or Rate of Ten Shillings for every Thousand Cubic Feet of Gas.

One Third of the Directors to be appointed by the Commissioners.

XXVIII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to nominate and appoint any of the said Commissioners (not exceeding in Number One Third of the Directors of the Company) to be Directors of the Company hereby incorporated, who shall become and act as such accordingly, but they shall not be Holders of Shares in the said Company, nor shall they be at liberty to interfere with the Supply of Gas to any Person, Company, or Corporation other than the said Commissioners in their public Capacity.

XXIX. And

Power to Commissioners to raise the 2,500*l.*, and to lend the same to the Company for the Purposes of this Act.

XXIX. And be it enacted, That it shall be lawful for the Commissioners acting in the Execution of the herein-before mentioned Acts, or either of them, and they are hereby empowered and required, with all convenient Speed after the passing of this Act, to levy and raise, or borrow and take up at Interest, in the Manner and by the Ways or Means in the same Acts, or either of them, mentioned or provided in respect to the raising or borrowing of Money, on such Conditions in respect to the Payment of Principal or Interest as shall be agreed upon with the Persons lending the same (and over and above the Monies thereby authorized to be raised or borrowed), the Sum of Two thousand five hundred Pounds Sterling for the Purposes of this Act, and to lend, pay, and advance such Sum of Two thousand five hundred Pounds, and every Part thereof, to the said Company hereby incorporated, on the Security of the Gasworks and other Property of the same Company, without requiring any Interest whatever for or in respect of the same, or any Part thereof, so long as the said Company shall furnish and supply the said Commissioners with Gas upon the Terms and in manner herein-before mentioned.

Mortgages and Transfers to be stamped.

XXX. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated.

The 2,500*l.* to be the first Charge on the Works.

XXXI. And be it enacted, That the said Sum of Two thousand five hundred Pounds, when so raised and paid by the said Commissioners to the said Company as aforesaid, shall be the first Charge on the Gasworks and other Property of the said Company, and shall have and be entitled to Priority over all other Payments whatsoever; but the same shall not be called in, or be required to be paid off, so long as the said Company shall continue to supply the said Commissioners with Gas upon the Terms and in manner herein-before expressed, nor shall the same be paid in by the said Company without the Consent of the said Commissioners: Provided always, that in the event of the said Sum of Two thousand five hundred Pounds being called in or required to be paid off as aforesaid, and of the same being so paid off, it shall be lawful for the said Company to borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the said Sum of Four thousand Pounds, subject to such Restrictions and Conditions as are herein-before contained with reference thereto.

No Shareholder to act as a Commissioner relating to public Lights.

XXXII. Provided always, and be it enacted, That no Shareholder in the Company hereby incorporated shall, by reason only of his holding Shares in the said Company, be disabled from acting or voting as a Commissioner in the Execution of the herein-before mentioned Acts, or either of them, upon any Question or Matter except those relating to the public Gaslights, anything in the same several Acts, or either of them, contained to the contrary notwithstanding.

Saving the Rights of the Commissioners.

XXXIII. And be it enacted, That nothing in this Act contained shall take away, control, suspend, prejudice, or interefere with any of the Rights, Privileges, Jurisdictions, Powers, and Authorities vested in

in or belonging to the said Commissioners (save and except as herein and in the Gasworks Clauses Act, 1847, is otherwise provided), and that all such Rights, Privileges, Jurisdictions, Powers, and Authorities shall in all other respects be as valid and effectual as if this Act had not been passed.

Expenses of the Act.

XXXIV. And be it enacted, That all Costs, Charges, and Expenses attending the applying for and obtaining this Act shall be paid out of the first Monies which shall come into the Possession of the Directors of the Company hereby incorporated after the passing of this Act.

Public Act.

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

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.