ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xiv.

An Act for better lighting with Gas the Borough of *Derby* and its Neighbourhood, and for other Purposes. [28th *May* 1852.]

WHEREAS by the Act of the First of *George* the Fourth, Chapter Nine, the *Derby* Gaslight and Coke Company (in this Act called the Company) were incorporated, and were empowered to construct and maintain Gasworks and other Works and Conveniences, and to supply the Inhabitants of the Borough of *Derby* with Gas: And whereas the Company proceeded to put that Act into execution, and constructed Gasworks in *Derby*: And whereas by the Act of the Fourth of *Victoria*, Chapter Fifteen, the recited Act was repealed, and the Company were again incorporated, and empowered to maintain their then existing Works, and to construct and maintain other Gasworks and Conveniences, and to supply the Inhabitants of *Derby*, and the adjoining Parishes, Townships, and Places within the Limits of this Act: And whereas, in accordance with that Act, the Company have constructed additional Works and Conveniences, and have proceeded to put that Act into execution: And whereas the Share Capital of the Company under the said Act of the Fourth of the Queen was Twenty-two thousand five hundred

1 G.4. c.9.

4 Vict. c.15.

Pounds, and the Amount of the Share Capital raised was only Eighteen thousand seven hundred and fifty Pounds, and the Company have borrowed on Mortgage of their Undertaking, or on Bond, Nineteen thousand eight hundred and fifteen Pounds Eleven Shillings, under and by virtue of the said recited Acts: And whereas the said Borough and Neighbourhood are greatly extending, the Demand for Gas therein has rapidly increased, and it is expedient that the Company be empowered to raise further Capital for the Purposes of their Undertaking, and to convert their Mortgage or Bond Debt into Capital, and that further Powers be conferred on the Company: And whereas in order to avoid Inconveniences arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the secondly-recited Act be repealed, and that some of the Powers and Provisions thereof be amended, and re-enacted or confirmed by this Act: And whereas such several Purposes cannot be effected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.

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Derby* Gas Act, 1852."

Recited Act repealed.

II. That the secondly-recited Act shall be and is hereby repealed.

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

III. 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: Provided always, that the Company shall not take any Lands for the Purposes of this Act otherwise than by Agreement.

As to Meanings of certain Words, &c. in recited Acts, &c.

IV. That the several Words and Expressions to which by the Acts incorporated with this Act Meanings are respectively assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; and the Expression "the Undertaking" in the Gasworks Clauses Act, 1847, shall mean, for the Purposes of this Act, the Gasworks, and the Works connected therewith, and by this Act authorized to be maintained and constructed respectively; the Word "Company" in this Act shall mean the *Derby* Gaslight and Coke Company.

Derby Gas Company to continue incorporated.

V. That, notwithstanding the Repeal of the secondly-recited Act, the Company shall, for the Purposes of this Act, remain as from the passing of the secondly-recited Act and continue incorporated by the

Name of "The *Derby* Gaslight and Coke Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to construct and maintain Gasworks, and to supply Gas, and to purchase, take, hold, and dispose of Lands and other Property, for the Purposes and within the Restrictions of this Act, and to carry on the Business usually carried on by Gas Companies.

Property to remain vested in Company.

VI. That, notwithstanding the Repeal of the secondly-recited Act, the Company shall remain and be seised and possessed of and entitled to all the Gasworks, Gas Holders, Purifiers, Mains, Pipes, Apparatus, and other Works and Conveniences, Lands and Buildings, Estates, Monies, and all Rights, Claims, Easements, and Privileges, and all Goods, Chattels, and Effects, Bonds, Deeds, Books, Writings, and other Personal Estate, and all Claims and Demands whatsoever, of or to which the said Company at the Time of the passing of this Act, by virtue of the said recited Acts or either of them, or otherwise howsoever, were immediately before the Commencement of this Act seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act had not passed, and may accordingly, subject to the Provisions of this Act, maintain and use such Works and Conveniences.

Conveyances, &c. to remain in force.

VII. That, notwithstanding the Repeal of the secondly-recited Act, all Purchases, Sales, Conveyances, Assurances, Demises, Grants, Leases, Mortgages, Bonds, Covenants, Agreements, Contracts, and Securities, and other Acts and Things before the Commencement of this Act made, done, entered into, executed, or instituted under or by virtue of the said recited Acts respectively, or either of them, or with reference to the Purposes of the same respectively, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as if this Act had not passed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

VIII. That, notwithstanding the Repeal of the secondly-recited Act, any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company before the passing of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Company, in like Manner to all Intents as if this Act had not passed.

Transfers of Shares, &c. to remain in force.

IX. That all Sales, Transfers, and Dispositions executed before the passing of this Act of any Share in the Joint Stock of the Company shall remain in full Force, and be available, in the same Manner as if the same had been made under the Powers of this Act.

X. That

Gas Rates due at Commencement of Act to be recovered by the Company.

X. That all Gas Rates which immediately before the Commencement of this Act shall be due and payable or accruing or becoming due and payable to the Company, shall be payable to and may be collected and recovered by the Company in like Manner as the Gas Rates by this Act granted.

Debts due to and by the Company to be paid to and by them.

XI. That all Persons who immediately before the Commencement of this Act owed any Sum of Money to the Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due or to accrue due for the same, to the Company; and all Debts and Money which immediately before the Commencement of this Act were due or owing by or recoverable from the Company, or for the Payment of which the Company was or but for 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.

Books, &c. to be Evidence.

XII. That all Books and other Documents by the recited Acts or either of them directed or authorized to be kept, and which if this Act had not passed would have been admissible in Evidence, shall be admitted in Evidence in all Questions of Law and Equity and elsewhere accordingly.

Officers to continue.

XIII. That any Treasurer, Clerk, Officer, and Person appointed by virtue of or acting under the Authority of the secondly-recited Act shall hold and enjoy their repective Offices and Employments, with the Salaries and Emoluments thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed therefrom by the Company or the Directors; and all such Officers and Persons shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever, as if he had been appointed under this Act.

Capital and Shares.

XIV. That the Capital of the Company after the passing of this Act shall be Sixty thousand Pounds, divided into Two thousand four hundred Shares of Twenty-five Pounds each.

Appropriation of certain Shares to present Shareholders.

XV. That Seven hundred and fifty of the said Shares shall be appropriated to the present Shareholders of the Company; and every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares of Fifty Pounds each in the Capital of the Company shall for each such Share be possessed of or entitled to Two Shares of Twenty-five Pounds each in the said Capital of Sixty thousand Pounds, without making any Payment in respect thereof, and the said Shares are hereby vested in such Persons and Corporations accordingly.

XVI. That

New Shares to be subject to the same Trusts as the old ones.

XVI. That all Persons and Corporations in whom any of the said Shares in the said Capital of Sixty thousand Pounds shall be vested as aforesaid shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, upon or to which the Share or Shares in the Capital of the Company hereby dissolved in respect of which such Share or Shares was or were so vested was or were subject and liable immediately before the passing of this Act, and so as to give effect to and not revoke any Will or other testamentary Instrument disposing of or affecting such Share or Shares.

Certain remaining Shares to be sold by Auction.

XVII. That the Directors of the Company shall cause the remaining One thousand six hundred and fifty Shares in the Capital of the Company to be sold by Public Auction, in such Manner, in such Numbers, and at such Times, and subject to such Conditions as they may from Time to Time determine.

Sales by Auction to be advertised, and Premiums on such Sales not to be entitled to Dividend.

XVIII. That the Intention to sell the said Shares by Auction shall be duly advertised for Two successive Weeks in Two or more Newspapers circulated in the Borough of *Derby;* and any Sum of Money which shall arise upon such Sales by way of Premium shall not be considered as Profits of the Company, but shall be expended in paying the Expenses of this Act, or in extending or improving the Works of the Company, or in paying off Money borrowed by the Company under the Powers of this Act or the said recited Act, and shall not be considered as Part of the Capital of the Company entitled to Dividend.

Power to borrow on Bond, &c.

XIX. That the Company may from Time to Time borrow or continue at Interest on Bond, or on Mortgage of their Undertaking, any Sums not exceeding Twenty thousand Pounds, including therein the Sum of Nineteen thousand eight hundred and fifteen Pounds Eleven Shillings already borrowed and owing by the Company as aforesaid.

Former Mortgages, &c. to have Priority.

XX. That all Mortgages or Bonds which shall be in force at the Time of the passing of this Act shall have the same Effect and Validity against the Company as they had previously to the passing of this Act, and shall during the Continuance thereof have Priority over all Mortgages and Bonds to be created by virtue of this Act.

Capital to be applied only to Purposes of Undertaking.

XXI. That all Monies to be raised either by Shares or on Mortgages or Bonds, under or by virtue of this Act, shall be applied only on and for the Purposes of the Undertaking authorized by this Act.

Conversion of existing Debt into Capital.

XXII. That the Company, if they think fit, may from Time to Time raise the said Sum of Twenty thousand Pounds which they are so

so authorized to borrow as aforesaid, or any Part thereof, by creating new Shares of Twenty-five Pounds each in the Company: Provided always, that any such Money shall not be so raised without the previous Authority of Three Fifths of the Shareholders present, personally or by Proxy, at a General Meeting of the Company.

Conversion of Loans into Capital to apply to old as well as new Loans.

XXIII. That the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the Conversion of the borrowed Money into Capital, shall apply to any Monies borrowed prior to the passing of this Act.

Application of Money received for such new Shares.

XXIV. And to the end that the whole of the Money raised by new Shares for paying off Money borrowed be duly applied, therefore the Company shall keep a separate and distinct Account of the Monies from Time to Time so raised and received, and of the Application of the same, and such Money shall be applied solely in or towards the Discharge of Money borrowed, and on such Payment the Powers of the Company for borrowing and reborrowing Money shall, to the Extent of such Payment, absolutely cease.

Receipts for Money payable to Minors, &c.

XXV. That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

First General Meeting.

XXVI. That the First Ordinary Meeting of the Shareholders of the Company shall be held in the Month of *August* next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held annually in the Months of *February* and *August* in every succeeding Year.

Quorum for General Meetings.

XXVII. That the Quorum for a General Meeting of the Company shall be Seven Shareholders thereof holding Shares to the aggregate nominal Amount of Three thousand Pounds.

Extraordinary Meetings.

XXVIII. That Five Shareholders at the least, holding Shares to the aggregate nominal Amount of Three thousand Pounds, may at any Time require the Directors to call an Extraordinary Meeting of the Company.

Scale of voting.

XXIX. That at all General Meetings of the Company every Shareholder present in Person or by Proxy shall have One Vote for every Share held by him not exceeding Twenty, and for more than Twenty Shares an additional Vote for every Five Shares.

XXX. That

Number and Qualification of Directors.

XXX. That the Number of Directors shall be Twelve; provided always, that the Company may reduce such Number, so as the reduced Number be not less than Nine; and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Directors to be elected by Ballot.

XXXI. That at all Elections of Directors the Votes of the Shareholders shall, if required, be taken by Ballot.

First Directors.

XXXII. That the several Persons who immediately before the passing of this Act constituted the Committee of Management of the Company, and being duly qualified as aforesaid, shall be the First Directors of the Company.

Quorum for Meetings of Directors.

XXXIII. That the Quorum for Meetings of Directors shall be Three Directors.

Committee of Directors.

XXXIV. That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three.

Proof of Debts in some Cases of Insolvency.

XXXV. That if any Person against whom the Company shall have any Claim or Demand become subject, either voluntarily or involuntarily, to the Operation of any Act relating to Insolvent Debtors, the Clerk, Secretary, or Treasurer may, in all Proceedings with respect to the Estate of such Person, represent the Company, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of the Clerk, Secretary, or Treasurer, and not of the Company.

Newspapers.

XXXVI. That the Newspapers in which Notices shall be advertised shall be some Newspaper or Newspapers circulating within the Borough of *Derby*.

Period for balancing of Books.

XXXVII. That the prescribed Periods for balancing the Books of the Company shall be the Thirtieth Day of *June* and the Thirtieth Day of *December* in each Year.

Limits of Act.

XXXVIII. That the Limits of this Act for the Supply of Gas by the Company shall comprise and include the Borough of *Derby*, and the several Parishes, Townships, and Places of *Litchurch*, *Normanton*, *Saint Peter's Derby*, *Osmaston*, *Littleover*, *Mickleover*, *Mackworth*, *Markeaton*, *Quarndon*, *Allestree*, *Duffield*, *Darley Abbey*, *Darley-next-Derby*, *Little Eaton*, *Little Chester*, *Saint Alkmund's Derby*, *Breadsall*, *Chaddesden*, *Spondon*, *Alvaston*, and *Boulton*, all in the County of *Derby*.

XXXIX. That

Regulating Supply of Gas and Price for public Lamps.

XXXIX. That after the Commencement of this Act, and the Expiration of any existing Contract for the Supply of Gas to any public Lamps within the Limits of this Act, the Company shall afford such Supply from any Main situate within Twenty-five Yards of any such public Lamp at a Price equal to the lowest Price charged for the Time being by the Company to any private Consumer.

Company empowered to construct Gasworks, &c.

XL. And whereas by the said recited and repealed Act the Company were empowered to construct and maintain Works for the Manufacture, Storing, and Supply of Gas within the Limits of this Act, which Power it is expedient and necessary that the Company should retain: Be it therefore 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 make, construct, lay down, maintain, alter, or discontinue such Retorts, Gasometers, Receivers, Drains, Sewers, Machinery, and other Works and Apparatus, and also such Houses and Buildings, and Approaches thereto, upon the Lands hereby authorized to be held by the Company, and to do all such other Acts as they shall think proper, consistently with the Provisions of this Act, for supplying Gas within the Limits of this Act, and for other Purposes authorized by this Act, and to sell, manufacture, and dispose of Coke and Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, in such Manner as the Company may think proper.

Company empowered to lay Pipes for lighting Buildings.

XLI. 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 necessary 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.

Expenses of Act.

XLII. That all the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act shall be paid by the Company.

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