ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. iv.

An Act to make the Limits of the *Dewsbury* Gas Act commensurate with the whole of the Parish of *Dewsbury* and the Township of *Batley* in the Parish of *Batley*; and to authorize the raising of a further Sum of Money. [20th *May* 1851.]

WHEREAS by Local and Personal Act, 3 *Vict.* Cap. 42., the *Dewsbury* Gas Company were incorporated, and authorized to supply Gas to the Townships of *Dewsbury* and *Batley* and the Neighbourhood thereof, and to purchase Lands and construct Works, as they might think fit for such Purpose, and to raise by the Creation of Shares a Capital of Five thousand Pounds, and by Mortgage of their Undertaking the Sum of One thousand two hundred Pounds: And whereas the said Company proceeded to carry the Powers of the said Act into execution, and established Works, and lighted various Streets, Places, and Buildings in the said Townships and in the Neighbourhood thereof, and raised and expended for the Purposes of the said Act the whole of the said Sums of Five thousand Pounds and One thousand two hundred Pounds: And whereas since the passing of the said Act the Number of Dwelling Houses, Mills, and other Buildings in the said Townships and the Neighbourhood 3 Vict. c. 42.

hood thereof greatly increased; and in order to meet the additional Demand for Gas occasioned thereby the said Company extended their Works, and have expended in such Extension, over and above the said Sums of Five thousand Pounds and One thousand two hundred Pounds, a further Sum of Five thousand Pounds, or thereabouts, which it is desirable should form Part of the Capital Stock of the Company incorporated by this Act: And whereas the Parish of *Dewsbury* consists of the Townships of *Soothill* and *Ossett*, besides the Township of *Dewsbury*, and the Population and Number of Buildings in each of the said Townships, and also in the Township of *Batley* in the Parish of *Batley*, have greatly increased since the passing of the said Act, and are rapidly increasing; and it is expedient that the Provisions of the said Act should be amended, and that the Limits of the Company to be incorporated by this Act should be defined to be the whole of the said Parish of *Dewsbury* and Township of *Batley*, and that for providing the Means of furnishing an increased Supply of Gas within the said Limits the Company incorporated by this Act should be authorized to raise a further Sum of Money: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament, but the same might be more conveniently provided for if the said recited Act were repealed, and if other Powers and Provisions were granted in lieu thereof: 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act repealed.

I. The said recited Act shall be and is hereby repealed.

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

II. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845" (except such of the Provisions thereof as relate to the Purchase of Lands otherwise than by Agreement), and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act.

Interpretation of certain Terms in 8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 15.

III. In construing the said "Companies Clauses Consolidation Act," "Lands Clauses Consolidation Act," and "Gasworks Clauses Act," as incorporated with this Act, the Expression "the Special Act" shall mean this Act, and the Expression "the Works" or "the Undertaking" shall mean "the Gasworks and Works connected therewith" by this Act vested in the Company incorporated or constituted by this Act, or which they may be authorized to execute, the Expressions "the Promoters of the Undertaking" or "the Undertakers" shall mean the Company incorporated by this Act, and the Expression "Gasworks" shall include the Gasworks and

and Works connected therewith by this Act vested in the said Company.

"Company" in this Act.

IV. The Word "Company" in this Act shall mean the Company incorporated by this Act.

"Quarter Sessions" in incorporated Act.

V. The Expression "Quarter Sessions" in the said incorporated Act shall be construed to mean the Quarter Sessions for the West Riding of the County of *York* holden at *Wakefield*.

Re-establishment of Dewsbury Gas Company.

VI. The several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company hereby dissolved, and all other Persons and Corporations who have subscribed or shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for using and making Gasworks for that Purpose, 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 *Dewsbury and Batley* Gas Company," and by that Name shall be a Body Corporate, with perpetual Succession, and may sue and be sued, and shall have a Common Seal, and Powers to purchase and hold and sell Lands for the Purposes of the said Undertaking.

Estates and Liabilities of the former Company vested in and binding on the Company hereby established.

VII. From and immediately after the passing of this Act all the Lands, Tenements, and Hereditaments, Monies, and all Rights, Claims, Easements, and Privileges, and all Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the Company hereby dissolved, shall be and the same are hereby vested in the Company hereby incorporated; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the Company hereby dissolved 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 which immediately before the passing of this Act were due and owing by the Company hereby dissolved shall be paid, with all Interest (if any) due and to accrue due thereon, by the Company hereby incorporated; and all Rates or Rents which immediately before the passing of this Act were due and payable or then accruing due under or by virtue of the recited Act to the Company hereby dissolved shall be and become due and payable to the Company hereby incorporated, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates

and

and Rents by this Act made payable to the Company hereby incorporated; and all Conveyances, Contracts, Mortgages, Bonds, Covenants, Liabilities, Securities, Arrangements, and Agreements made or entered into before the passing of this Act, to, with, in favour of, or by or for the Company hereby dissolved, shall be and remain as valid and effectual in favour of or against and with reference to the Company hereby incorporated, and may be proceeded on, enforced, and satisfied in the same Manner, to all Intents and Purposes, as if the Company hereby incorporated had been a Party to, executed, and incurred the same, or had been named or referred to therein instead of the Company incorporated by the recited Act.

Rates and Rents payable under recited Act to continue payable till altered by this Act.

VIII. All Rates, Rents, or Charges made or imposed under or by virtue of the recited Act, and which at the Time of the passing of this Act shall be due and payable or accruing 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 Rates, Rents, or Charges to be received in pursuance of this Act may be collected or received.

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

IX. All Sales, Transfers, and Dispositions executed before the passing of this Act, of any Share or Shares in the Joint Stock of the Company hereby dissolved, shall remain in full force and virtue, and shall be and continue available in all respects whatsoever, in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

Actions, &c. not to abate.

X. No Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company hereby dissolved previous 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 to take effect, either in favour of or 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 Company hereby dissolved if this Act had not been passed; and also all Penalties incurred by any Offence against the Provisions of the recited Act previously to the passing of this Act may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the recited Act may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Company hereby incorporated

Penalties to be recoverable.

being, in reference to the Matters aforesaid, in all respects substituted in the Place of the Company hereby dissolved.

Books, &c. made Evidence by recited Act to continue so.

XI. All Books and other Documents whatsoever by the recited Act authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

Officers under recited Act to continue till removed.

XII. All Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of the recited Act, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy their respective Offices and Employments, together with the Salaries or Emoluments thereunto annexed, until they shall be removed therefrom by the Company or the Directors; and all such Clerks, Officers, and Persons shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever as if they had been appointed by virtue of this Act.

Capital.

XIII. The Capital of the Company shall be Ten thousand Pounds, subject to Augmentation as herein-after mentioned, and shall be divided into Two thousand Shares of the nominal Value of Five Pounds each.

Appropriation of Shares.

XIV. Whereas the Capital of Five thousand Pounds, which the Company hereby dissolved raised by the Creation of Shares, pursuant to the Provisions of the recited Act, was divided into One thousand Shares of the nominal Value of Five Pounds each: And whereas the Sum of Five thousand Pounds, which the said Company expended upon their Works over and above the Five thousand Pounds which they raised by the Creation of Shares, was raised out of the Profits of their Undertaking: Every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares in the Capital of the Company hereby dissolved shall for each such Share be possessed of or entitled to Two Shares in the said Capital of Ten thousand Pounds, without making any further Payment in respect thereof, and the said Shares are hereby vested in such Persons and Corporations accordingly.

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

XV. All Persons and Corporations in or to whom any Shares in the said Capital of Ten 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, as the Trusts, 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.

Power to raise additional Capital by Creation of new Shares.

XVI. In addition to the said Capital of Ten thousand Pounds it shall be lawful for the Company, from Time to Time, with the Consent of Four Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting or Meetings specially convened for the Purpose, to raise by the Creation of Shares any further Sum or Sums that they may think proper, not exceeding in the whole the Sum of Twenty thousand Pounds, and if they shall think fit, with the like Consent, to guarantee such Amount of Interest or Dividend on the Shares to be so from Time to Time created, or any of them, not exceeding Five Pounds *per Centum per Annum* on the Amount for the Time being paid thereon, and to attach such other Privileges with respect to Preference or Priority, or otherwise with respect to such Shares or any of them, or the Interest or Dividends to be payable in respect thereof, as may be agreed upon at such Meeting or Meetings.

Preference Shares created under this Act not to prejudice former ones.

XVII. No Preference or Priority in the Payment of Interest or Dividends which may be granted under the Provisions of this Act on any Shares or Stock of the Company shall prejudice or affect any Preference or Priority in Payment of Interest or Dividend which may have been previously granted by them under the Provisions of the same Act on any other Shares or Stock.

New Shares to be offered in the first place to existing Shareholders.

XVIII. Whenever any Shares are newly created for augmenting the Capital of the Company, pursuant to the Provisions of this Act, they shall be offered to the then Proprietors of Shares in proportion, as nearly as can conveniently be done, to the Shares held by them respectively; but such Offer need not be made to the Proprietors of any guaranteed or preference Shares, or Stock in respect thereof, unless the Company shall be bound to make such Offer pursuant to the Terms or Conditions under which such guaranteed or preference Shares or Stock shall have been created.

How Offer to be made, and Shares to vest in Persons accepting the same.

XIX. Such Offer shall be made by Letter, under the Hand of the Clerk of the Company, given to or sent by Post to each Proprietor, or left at his usual or last known Place of Abode, or addressed to his last Address appearing in the Shareholders Address Book by the said Companies Clauses Consolidation Act required to be kept, of which Letter having been so given or sent the Certificate of such Clerk shall be conclusive Evidence; and such newly-created Shares

shall vest in and belong to the Proprietors who shall accept the same, and pay to the Company the Price at which the same were allotted to them, at such Times and in such Manner and by such Instalments as shall be fixed by the Directors.

As to Disposal of Shares not taken by the Proprietors.

XX. If any Proprietor fail for One Month after such Offer of newly-created Shares to accept the same, or to pay any of the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same, or otherwise as they think proper.

Calls.

XXI. If the Company shall create any Capital under the Provisions of this Act, Forty *per Centum* on the Amount of such Capital shall be the greatest Amount of the First Call which may be made in respect thereof, and Twenty *per Centum* on the Amount of such Capital shall be the greatest Amount of any subsequent Call which may be made in respect thereof; and if the Company shall afterwards create any further Capital under the Provisions of this Act, Forty *per Centum* on the Amount of such further Capital shall be the greatest Amount of the First Call which may be made in respect thereof, and Twenty *per Centum* on the Amount of such further Capital shall be the greatest Amount of any subsequent Call which may be made in respect thereof; and so in like Manner with respect to every subsequent Creation of Capital which may be made by the Company; and in all Cases there shall be an Interval of not less than Three Months between any Two successive Calls, and the aggregate Amount of all Calls on any One Share in One Year shall not exceed Two Thirds of the Amount of such Share.

Power to borrow Money on Mortgage or Bond.

XXII. The Company may borrow any Sums of Money on Mortgage or Bond, not exceeding in the whole, inclusive of such Sums as may have been borrowed by the Company hereby dissolved, and may remain unpaid, the Sum of Three thousand three hundred Pounds; and after the whole of the additional Capital of Twenty thousand Pounds shall have been subscribed, and One Half of the entire Capital of the Company shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any further Sums, not exceeding in the whole, together with the said Sum of Three thousand three hundred Pounds, the Sum of Seven thousand Pounds.

Former Mortgages to have Priority.

XXIII. All Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages and Bonds to be created by virtue of this Act.

XXIV. If

Power to re-borrow Money.

XXIV. If the Company shall pay off any Sums owing by them on Mortgage or Bond, whether the same shall have been borrowed prior to the passing of this Act or subsequent thereto, it shall be lawful for them again to borrow the Sum so paid off, and so from Time to Time as often as Occasion shall require.

Application of Money.

XXV. All Money to be raised under the Provisions of this Act, whether by means of Shares or by Exercise of the Powers of borrowing, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Numbers and Qualification of Directors.

XXVI. Subject to the Provisions herein contained for increasing or reducing the Number of Directors, the Number of the Directors of the Company shall be Twelve, and the Qualification of a Director shall be the Possession by him in his own Right of as many Shares in the Undertaking as will represent the Sum of Twenty Pounds of paid-up Capital.

Power to vary the Number of Directors.

XXVII. It shall be lawful for the Company, by Vote of any General Meeting, from Time to Time to increase or reduce the Number of Directors, provided that the increased Number do not exceed Nine, and that the reduced Number be not less than Three.

First Directors.

XXVIII. The Persons who immediately before the passing of this Act constituted the Committee of Directors of the Company hereby dissolved shall be the First Directors of the Company.

Election of future Directors.

XXIX. The Directors appointed by this Act shall continue in Office until the Ordinary Meeting to be held on the First *Thursday* in *April* One thousand eight hundred and fifty-two, at which Meeting they shall retire from Office; and at such Meeting the Shareholders present, personally or by Proxy, shall elect a new Body of Directors, the Directors so retiring or any of them being nevertheless eligible for Re-election; and at every subsequent Ordinary Meeting on the First *Thursday* in *April*, or some Adjournment thereof, One Half as near as may be of the Directors shall go out of Office, and the Shareholders present, personally or by Proxy, shall in like Manner elect Persons to supply their Places; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead under the Provisions of this Act.

Directors re-eligible.

XXX. Any Director retiring from Office under the Provisions of this Act may be immediately or at a future Time re-elected a Director.

XXXI. The

Remuneration of the Directors and Auditors.

XXXI. The Remuneration of the Directors and Auditors shall from Time to Time be fixed by a General Meeting of the Company, and shall be paid out of the Rents, Rates, or Sums receivable under this Act.

Quorum.

XXXII. A Quorum of a Meeting of the Directors shall be Three.

Committee of Directors.

XXXIII. The Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Two nor more than Five, and the Quorum of such Committees shall be left to the Discretion of the Directors.

Quorum of General Meeting.

XXXIV. The Quorum for any General Meeting of the Company shall be Five Shareholders holding Shares of the aggregate Amount of not less than One hundred Pounds.

First and other Meetings.

XXXV. The First Ordinary Meeting of the Company shall be held on the First *Thursday* in the Month of *April* One thousand eight hundred and fifty-two, and the subsequent Ordinary Meetings of the Company shall be held on the First *Thursday* in the Month of *April* in every succeeding Year; and all Meetings of the Company, whether ordinary or extraordinary, shall be held at the Office of the Company, or such other Place in *Dewsbury* as the Directors shall appoint.

Scale of voting.

XXXVI. At any General Meeting of the Company every Shareholder present, in Person or by Proxy, shall have One Vote for every Five Pounds of Capital of the Company held by him up to One hundred Pounds, and an additional Vote for every Twenty-five Pounds of such Capital held by him beyond One hundred Pounds: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all Calls then due upon the Shares held by him.

Number of Shareholders to call Extraordinary Meetings.

XXXVII. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Five, holding in the aggregate not less than One hundred Pounds in the Capital of the Company.

Amount of reserved Fund.

XXXVIII. The Amount of the reserved or contingent Fund shall be One Tenth Part of the Capital of the Company for the Time being called up and paid.

Limits of the Act.

XXXIX. The Limits of this Act shall be held to comprise the Parish of *Dewsbury* and the Township of *Batley* in the Parish of *Batley* in the County of *York*.

Power to purchase Lands.

XL. Whereas the Company hereby dissolved were authorized by the recited Act to purchase by Agreement with the Owners of and other Persons interested in Lands any Quantity of Land not exceeding Five Statute Acres, for the Purpose of their Undertaking: It shall be lawful for the Company to purchase any Quantity of Land, by Agreement with the Owners, Lessees, and Occupiers thereof, not exceeding in the whole, together with such other Lands as may be then vested in them, Five Statute Acres.

Company not to take or use Land without Consent.

XLI. Nothing in this or the "Lands Clauses Consolidation Act" contained shall authorize the Company to take or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Company empowered to construct Gasworks, &c.

XLII. 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 or purchased 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.

Power of the Company to contract for lighting Streets, &c.

XLIII. It shall be lawful for the Company or their Directors from Time to Time to enter into or make any Contract or Agreement with the Surveyors, or other Person or Persons having the Control, Direction, or Management of any Street or Bridge within the Limits of this Act, for lighting and supplying the same or any Part thereof with Gas, or for providing the same with Lamp Pillars and Posts, Lamp Brackets, Lamps, and Glass, and for the Repair thereof respectively, and also from Time to Time to make and enter into any Contract or Agreement with any Body Corporate or Person for lighting or supplying with Gas any Church, Chapel, Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, or other public or private Building, in such Manner, under such Conditions, and upon such Terms as shall be agreed upon between the Company and the respective Body or Bodies Corporate, Surveyors, or other Persons respectively; and such Surveyors are hereby authorized and empowered, with the Consent of the Inhabitants of the Township in which such Street or Bridge shall be situate, in Vestry assembled, to contract and agree with the Company, and to pay out of any Money which shall come to their Hands,

or

or over which they shall have Control, such Sums of Money as shall from Time to Time have been contracted or agreed to be paid to the Company for lighting the same Street or Bridge with Gas as aforesaid.

Company empowered to lay Pipes for lighting Buildings.

XLIV. 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.

Consumers may be required to consume Gas by Meter.

XLV. Every Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter, to be found and provided by the Company, if the Consumer shall not think fit to provide the same at his own Expense.

Power to recover Rent under 50*l.* in the County Court.

XLVI. If any Person supplied with Gas by the Company, or having hired from the Company any Meters or Fittings for Gas, neglect to pay the Rent due for the same to the Company, and the Rent so due does not amount to Fifty Pounds, the Company may recover the same, together with the Expenses of cutting off the Gas, in the County Court, or in any Inferior Court having Jurisdiction for the Recovery of Demands of that Amount within the District in which the said Gas shall have been supplied, as well as in the Manner prescribed for the Recovery thereof in the "Gasworks Clauses Act, 1847."

Expenses of Act.

XLVII. All the Costs, Charges, and Expenses of applying for and obtaining this Act, or incident thereto, shall be defrayed by the Company.

Short Title.

XLVIII. In citing this Act in Acts of Parliament and legal Instruments and Proceedings it shall be sufficient to use the Expression "The *Dewsbury* and *Batley* Gas Act, 1851."

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