ANNO DECIMO SEXTO

# VICTORIÆ REGINÆ.

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## *Cap.* ii.

## An Act for lighting with Gas the Town of *Dudley* and the Suburbs thereof. [9th *May* 1853.]

WHEREAS by an Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for incorporating the Town of* Dudley *Gaslight Company*, such Company was authorized to supply Gas to the Town of *Dudley* and the Suburbs thereof, and to purchase Lands, and construct Works, and to raise, by the Creation of Six hundred Shares of Twenty Pounds each, a Capital of Twelve thousand 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 Town of *Dudley* and the Suburbs thereof, and raised and expended for the Purposes of the said Act the whole of the said Sum of Twelve thousand Pounds: And whereas since the passing of the said Act the Number of Dwelling Houses, Manufactories, and other Buildings in the said Town of *Dudley* and the Suburbs thereof have greatly increased, and in order to meet the additional Demand for Gas 1 & 2 G. 4. c. lxxi.

occasioned thereby the said Company have extended their Works, and have expended in such Extension, over and above the said Sum of Twelve thousand Pounds, the further Sum of Six thousand Pounds and upwards out of the Profits of the Undertaking, and the further Sum of Two thousand Pounds or thereabouts, which is now due as a floating Debt on the Credit of the Undertaking: And whereas it is desirable that the said Sum of Six thousand Pounds should form Part of the Capital Stock of the Company incorporated by this Act: And whereas the Population, and the Dwelling Houses, Manufactories, Railway Stations, and other Buildings of *Dudley* and the Suburbs thereof are rapidly increasing; and it is expedient that the Provisions of the said Act should be amended, and that, for providing the Means of discharging their said floating Debt, and of furnishing an increased Supply of Gas, the Company incorporated by this Act should be authorized to raise a further Sum of Money: And whereas the Purposes 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without the Authority of Parliament, but the same might be more conveniently provided for if the said recited Act were repealed, and if other Powers and Provisions were granted and made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Recited Act repealed.

I. That the said recited Act shall be and is hereby repealed, and the Company thereby incorporated shall be and is hereby dissolved.

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

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

Interpretation of Terms.

III. That 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.

Interpretation of "Company."

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

"Quarter Sessions."

V. That the Expression "Quarter Sessions" in the said incorporated Act shall be construed to mean the Quarter Sessions for the County of *Worcester*.

Re-establishment of Dudley Gas Company.

VI. That 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 Act and the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The Town of *Dudley* Gaslight 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, hold, and sell Lands for the Purposes of the said Undertaking.

Limits of Act.

VII. That the Limits of this Act for the Supply of Gas by the Company shall comprise the Town of *Dudley* in the County of *Worcester*, and the Suburbs thereof.

Effects of dissolved Company vested in Company hereby incorporated.

VIII. That from and immediately after the passing of this Act all the Works, Pipes, Tanks, Retorts, Gasometers, and other Apparatus, and all the Lands, Tenements, Hereditaments, Monies, 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

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 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 said recited Act.

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

IX. That 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 been 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.

Sales, &c. of Shares under recited Act to remain in force under this Act.

X. That 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, and Penalties to be recoverable.

XI. That 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

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

Books, &c. Evidence under recited Act to continue so.

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

Officers acting under recited Act to continue till removed.

XIII. That 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.

XIV. That the Capital of the Company shall be Eighteen thousand Pounds, subject to Augmentation as herein-after mentioned, and shall be divided into Six hundred Shares of the nominal Value of Thirty Pounds each.

Appropriation of Shares.

XV. That whereas the Capital of Twelve thousand Pounds which the Company hereby dissolved raised by the Creation of Shares, pursuant to the Provisions of the recited Act, was divided into Six hundred Shares of the nominal Value of Twenty Pounds each: And whereas the Sum of Six thousand Pounds and upwards which the said Company expended upon their Works over and above the Twelve 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 of Twenty Pounds in the Capital of the Company hereby dissolved shall for each such Share be possessed of or entitled to a new Share of the nominal Value of Thirty Pounds in the said Capital of Eighteen 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.

XVI. That all Persons and Corporations in or to whom any Shares in the said Capital of Eighteen thousand Pounds shall be vested as aforesaid shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisoes, 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.

XVII. That in addition to the said Capital of Eighteen thousand Pounds it shall be lawful for the Company from Time to Time, with the Consent of Three 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 Thirty-six 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 Conditions and Agreements 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.

Registration of "Preference Shares."

XVIII. That any Shares to which a guaranteed or preferential Dividend shall be attached shall be distinguished and registered as "Preference Shares," and shall be marked as such, together with the Rate of the preferential Dividend payable thereon, upon the Certificates issued by the Company to the respective Holders thereof.

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

XIX. That whenever any Augmentation of the Capital of the Company shall take place by the Creation of new Shares, pursuant to the Provisions of this Act, the Sum proposed to be raised shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively; and such new Shares shall be offered in the Proportion aforesaid to the then Shareholders

holders in the Mode and under the Conditions prescribed in the "Companies Clauses Consolidation Act, 1845:" Provided always, that no such Offer need be made to the Proprietors of any guaranteed or Preference Shares, unless the Company shall be bound to make such Offer pursuant to the Terms or Conditions under which such guaranteed or Preference Shares shall have been created.

Calls. XX. That 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. XXI. That the Company may borrow any Sums of Money on Mortgage or Bond, not exceeding in the whole the Sum of Two thousand Pounds.

Application of Money. XXII. That all Money to be raised under the Provisions of this Act shall be applied in the first place to paying the Costs, Charges, and Expenses of obtaining and passing this Act, and all Expenses incident thereto, and then to discharging the said floating Debt, and afterwards to carrying into effect the Purposes of the Undertaking by this Act authorized.

Numbers and Qualification of Directors. XXIII. That, subject to the Provisions herein contained for reducing the Number of Directors, the Number of the Directors of the Company shall be Nine, 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 One hundred and fifty Pounds of paid-up Capital.

Power to vary Number of Directors. XXIV. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Five.

XXV. That

First Directors.

XXV. That 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.

XXVI. That the Directors hereby appointed shall continue in Office until the Ordinary Meeting to be held in the Month of *February* One thousand eight hundred and fifty-four, at which Meeting they shall retire from Office; and at such Meeting the Shareholders present, either personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and after such Election the Directors shall retire in manner provided by the "Companies Clauses Consolidation Act, 1845."

Directors to continue till others are appointed.

XXVII. That the Directors appointed or to be appointed under the Authority of this Act shall continue to be Directors until others are elected in their Stead.

No Person to be elected Director unless he has given previous Notice.

XXVIII. That no Person shall be elected a Director at any Meeting of the Company unless he shall have signified his Intention or Consent to become a Candidate, by Notice in Writing left at the Office of the Company on or previously to the Day of Election.

Quorum of Directors.

XXIX. That a Quorum of a Meeting of the Directors shall be Three.

Quorum of General Meeting.

XXX. That the Quorum of any General Meeting of the Company shall be Five Shareholders holding Shares of the aggregate Amount of not less than Seven hundred and fifty Pounds.

Scale of voting.

XXXI. That at any General or Special Meeting of the Company every Shareholder present, in Person or by Proxy, shall have One Vote for every Thirty Pounds of paid-up Capital held by him up to One hundred and fifty Pounds, and he shall have an additional Vote for every Ninety Pounds of paid-up Capital beyond the first One hundred and fifty Pounds of such Capital held by him: Provided always, that no Shareholder shall be entitled to vote at any Meeting in respect of any new Shares held by him, unless he shall have paid all Calls then due upon such Shares.

Extraordinary Meetings may be convened by Shareholders.

XXXII. That 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 Seven hundred and fifty Pounds in the Capital of the Company.

XXXIII. That

Books to be balanced half-yearly.

XXXIII. That the Accounts of the Company shall be made up half-yearly to the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year, and the Books shall be balanced at those Periods.

New Certificates of Shares to be issued.

XXXIV. That the Directors of the Company may call in and cancel the Certificates of the existing Shares, and shall forthwith issue new Certificates of the Shares of Thirty Pounds each, and shall also issue Certificates of the new Shares to be created under the Authority of this Act; and from and after the issuing of the new Certificates of the Shares of Thirty Pounds each of the Certificates given for the original Twenty Pounds Shares shall be deemed to be cancelled and made void.

Power to purchase Lands limited.

XXXV. That it shall not be lawful for the Company to purchase or hold for the Purposes of the Undertaking at any One Time more than Six Statute Acres.

Power to Company to construct Gasworks, &c.

XXXVI. 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 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, and to carry on the Business which may be usually carried on by Gas Companies.

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

XXXVII. That 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, Road, or Bridge within the Limits of this Act, for lighting or 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 Parish or Township in which such Street, Road, 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 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, Road, or Bridge as aforesaid.

Power to Company to lay Pipes for lighting Buildings.

XXXVIII. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company, with such Consent as is required by the "Gasworks Clauses Act, 1847," 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.

XXXIX. That every Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter; and if the Consumer shall not think fit to provide the same at his own Expense, the Company shall provide such Meter, and let the same for Hire to such Consumer, at a Rent not exceeding the Rate of Ten Pounds *per Centum per Annum* upon the Cost of such Meter.

Charge for Supply of Gas by Meter limited.

XL. That the maximum Price at which Gas shall be sold by the Company to all Persons who shall burn the same by Meter shall not exceed Five Shillings and Sixpence *per* One thousand Cubic Feet.

Regulating Supply of Gas and Price for public Lamps.

XLI. That from and after 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 Lamp, at a Price equal to the lowest Price charged for the Time being by the Company to any private Consumer.

Power to recover Rent for Gas, &c. in the County Court.

XLII. That 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, 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 the Amount due for such Rent within the District in which the said Gas shall have been supplied,

supplied, as well as in the Manner prescribed for the Recovery thereof in the "Gasworks Clauses Act, 1847."

Short Title.

XLIII. That in citing this Act in Acts of Parliament or legal Instruments and Proceedings it shall be sufficient to use the Expression "The *Dudley* Gas Act, 1853."

General Saving of Rights.

XLIV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and also (except as herein otherwise expressly enacted) to the Commissioners for the Improvement of the Town of *Dudley*, and the Trustees for the Care of the several Turnpike Roads leading to or from or through the said Town of *Dudley*, called the *Dudley and Brettell Lane* Road, the *Birmingham, Dudley, and Wolverhampton* Road, the *Dudley, Halesowen, and Bromsgrove* Road, the *Dudley and Pedmore* Road, and the *Dudley and Rowley* Road, all and singular their Rights, Privileges, and Franchises, in such and the same Manner as if this Act had not been passed.

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