ANNO DECIMO

# VICTORIÆ REGINÆ.

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## *Cap.* vii.

## An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for lighting with Gas the Town and Borough of* Ipswich *in the County of* Suffolk. [11th *May* 1847.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for lighting with Gas the Town and Borough* 1 & 2 G. 4. *of* Ipswich *in the County of* Suffolk, by which Act the several Persons c. 76. therein named and referred to were incorporated by the Name of "The *Ipswich* Gaslight Company:" And whereas, in pursuance of the said Act, the said Company proceeded to carry the Powers of the same into execution, and have established Works, and have afforded a large Supply of Gas to the said Town and Borough, and have laid out large Sums of Money in extending and improving such Works: And whereas, in consequence of the Increase of the Number of Houses, Manufactories, and other Business Establishments in the said Town and Borough, the Demand for the Supply of Gas has greatly increased, and it is expedient that the Powers of the said Company should be enlarged, and that the Mode of conducting the Affairs of the said Company should be altered and amended; but the same cannot be effected without the Authority of Parliament: And whereas an Act was passed in the Session of Parliament held in the Eighth

8 & 9 Vict. c. 16.

and Ninth Years of the Reign of Her present Majesty, called "The Companies Clauses Consolidation Act, 1845:" 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 from and immediately after the passing of this Act the said recited Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth (except so much of the said Act as establishes and incorporates the *Ipswich* Gaslight Company) shall be and the same is hereby repealed: Provided always, that the Repeal of such Act shall not annul or otherwise prejudice or affect any Purchase, Sale, Conveyance, Grant, Contract, Mortgage, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, or executed under or by virtue or in pursuance of the said repealed Act, but all such Purchases, Sales, Conveyances, Grants, Contracts, Mortgages, Securities, Acts, Matters, and Things shall be and the same are hereby declared to be as good, valid, and effectual, to all Intents and Purposes, as if the said Act had not been repealed.

Recited Act 1 & 2 G.4. c. 76. repealed.

Repealing of recited Act 2 G. 4. c. 76. not to abate Actions or prejudice Remedies.

II. Provided also, and be it enacted, That the repealing of the said Act shall not cause an Abatement of any Action or Suit at Law or in Equity which at the Time of the passing of this Act was pending between the said *Ipswich* Gaslight Company, and any other Person or Corporation, and shall not in any other Manner prejudice or affect the Remedies which at the Time of the passing of this Act the said Company had against any other Person or Corporation, or which any other Person or Corporation had against the said Company, for or in respect of any Debt, Contract, Liability, Penalty, Forfeiture, Trespass, Act, Matter, or Thing whatsoever previously contracted, incurred, committed, or done, or omitted to be done, but every such Action and Suit may be proceeded with and every such Remedy enforced in like Manner in all respects as the same respectively could have been proceeded with or enforced if this Act had not been passed.

Works vested in Company at the passing of this Act to continue so.

III. And be it enacted, That all Gasometers, Retorts, Receivers, Cisterns, Buildings, Lands, Mains, Pipes, Engines, Machines, and Real and Personal Estate and Effects whatsoever, which at the Time of the passing of this Act were vested in or belonged to the said *Ipswich* Gaslight Company, shall remain vested in and belong to them, in as full and ample a Manner, and subject to all such and the same Liabilities, as they would have remained vested in and belonged to the said Company if this Act had not been passed.

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

IV. And be it enacted, 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, and be applicable to the said *Ipswich* Gaslight Company, and to the Works and Property of such Company

Quarter Sessions.

V. And be it enacted, That the Expression "Quarter Sessions" in the said incorporated Acts shall be construed to mean the Quarter Sessions for the Borough of *Ipswich* holden at *Ipswich*.



VI. And

Limits of this Act.

VI. And be it enacted, That the Limits of this Act shall extend to and include the Town and Borough of *Ipswich* and the Liberties thereof.

Power to Company to construct Gasworks, &c.

VII. And be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the said Company from Time to Time to construct and maintain such 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 said 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.

Short Title.

VIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to describe it as "The *Ipswich* Gas Act, 1847."

Capital.

IX. And be it enacted, That the Capital of the Company shall be Twenty-eight thousand Pounds, which shall be divided into Two thousand eight hundred Shares of the nominal Value of Ten Pounds each.

Proprietors of Shares before the passing of this Act entitled to new Shares under this Act.

X. And whereas the present Capital of the Company consists of One thousand four hundred Shares of the nominal Value of Ten Pounds each; be it enacted, That every Person and Corporation who immediately before the passing of this Act was a Proprietor of One or more Shares in the Capital of the said Company shall in lieu thereof for each such Share be entitled to One Share in the Capital of the Company by this Act authorized to be created; and such new Shares shall be subject and liable to the same Trusts, Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, as the original Shares in lieu of which they were respectively substituted were subject or liable to immediately before the passing of this Act, and are hereby vested in such Persons and Corporations accordingly, and so as to give effect to and not revoke any testamentary Disposition affecting such original Shares or any of them.

Calls considered to have been paid.

XI. And be it enacted, That the new Shares so vested in such Persons and Corporations as aforesaid shall be considered as Shares in respect of which all Calls have been paid.

Distribution of the 1,400 new Shares authorized to be created by this Act.

XII. And be it enacted, That the remaining One thousand four hundred new Shares by this Act authorized to be created shall, in the first instance, be offered to the Proprietors of the original Shares of the said Company, in the Proportion of One new Share for every such original Share so held by such Proprietor, and such Offer shall be made by Letter under the Hand of the Clerk or Secretary of the said Company, given to or sent by Post, addressed to the Shareholder, or left at his usual or last Place of Abode; and the said new Shares shall

shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the said Company, at the Time and by the Instalments which shall be fixed by the said Company; and if any Shareholders shall neglect for One Calendar Month after such Offer of a new Share or new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the said Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the said Company.

Calls.

XIII. And be it enacted, That Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the said Company may make on the Shareholders, and Two Months at least shall intervene between the making of any Two successive Calls.

Power to borrow Money.

XIV. And be it enacted, That when the whole of the new or additional Capital by this Act authorized to be created shall have been subscribed, or shall have been taken by the Proprietors of the original Shares in manner aforesaid, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow such Sums as shall from Time to Time be authorized to be borrowed by any General Meeting of the Company, not exceeding in the whole, inclusive of all such Sums as may for the Time being be due from them on Mortgage or Bond, the Sum of Nine thousand three hundred and thirty-three Pounds.

Former Mortgages to have Priority.

XV. Provided always, and be it enacted, That all Mortgages created by the said Company before the passing of this Act, and which shall be subsisting at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages to be created by virtue of this Act.

First General Meeting.

XVI. And be it enacted, That the First General Meeting of the Shareholders of the said Company shall be held within One Month after the passing of this Act, and that in future a General Meeting shall be held on the Third *Monday* in *February* in every Year.

Scale of voting.

XVII. And be it enacted, That at General Meetings of the said Company, whether ordinary or extraordinary, every Shareholder shall be entitled to vote according to the following Scale of voting; (that is to say,)

The Proprietor of One Share and under Five Shares shall be entitled to One Vote;

The Proprietor of Five Shares and under Ten Shares, Two Votes;

The Proprietor of Ten Shares and under Fifteen Shares, Three Votes;

The Proprietor of Fifteen Shares and under Twenty Shares, Four Votes; and

The Proprietor of Twenty Shares and upwards, Five Votes, and no more:

Provided always, that in addition to such Number of Votes as the legal Representatives of other Persons may be entitled to give in respect of Shares held by them in their own Right, it shall be lawful for them to vote according to the Scale aforesaid in respect of all Shares held by them as such legal Representatives.

XVIII. And

XVIII. And be it enacted, That the Number of Directors of the said Company shall be Nine, and the Qualification of a Director shall be the Possession by him in his own Right of Ten Shares in the said Undertaking. **Number and Qualification of Directors.**

XIX. And be it enacted, That it shall be lawful for the said Company, by Vote of any General Meeting of the Shareholders of the said Company, to increase or reduce the Number of Directors, provided that the Number of Directors shall not be more than Twelve nor less than Six. **Number of Directors may be altered.**

XX. And be it enacted, That the following Persons shall be the First Directors of the said Company; that is to say, *Jeremiah Head*, *Shepherd Ray*, *Thomas Shewell*, *John Cobbold*, *Simon Batley Jackaman*, *Daniel Alfred Sheppard*, *William Bunn*, *George Alexander*, and *Stephen Perry*. **First Directors.**

XXI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, 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, or 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. **Directors to go out of Office.**

XXII. Provided always, and be it enacted, That at the first Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said Companies Clauses Consolidation Act contained; and the several Persons elected at any such Meeting, being neither removed or disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said Companies Clauses Consolidation Act. **Election of new Directors.**

XXIII. And be it enacted, That the Number of Directors annually to go out of Office shall be Three. **Directors to go out by Rotation.**

XXIV. And be it enacted, That the Quorum of a Meeting of the Directors shall be Three. **Quorum of Directors.**

XXV. And be it enacted, That it shall be lawful for the said Company, in addition to any Lands which they may have purchased under the Authority of the said first-recited Act, to purchase from the Proprietors who may be willing to sell the same any other Lands which they may require for the Purposes of their Undertaking; and it shall be lawful for the said Company to sell all or any Part of the Lands which they have so already acquired, or which they may hereafter purchase, in such Manner and for such Considerations and to such **Power to purchase Lands.**

Persons as the said Company may think fit, and again to purchase other Lands for the like Purposes, and afterwards to sell the same, and so from Time to Time; but the total Quantity of Land to be held at any One Time by the said Company for the Purposes aforesaid shall not exceed Ten Statute Acres.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act

XXVI. And be it enacted, That all the Provisions of the Lands Clauses Consolidation Act, 1845, with respect to the Purchase of Lands by Agreement, and to the Sale of Lands, shall, so far as they are not inconsistent with the Provisions of this Act, be incorporated with this Act, and be applicable to the Purchase or Sale of any Lands by this Act authorized to be purchased or sold.

Works not to be removed without Consent of Justices.

XXVII. Provided always, and be it enacted, That it shall not be lawful for the said Company to remove their Gasometers, Manufactory, or other Works for manufacturing Gas from the Plot of Ground whereon the same are now erected, and to erect other Gasometers, Manufactories, or Works in lieu thereof, upon any other Site than the One at present occupied by their existing Gasometers, Manufactory, and Works, without the Approbation of the Justices assembled at some General Quarter Sessions of the Peace for the County of *Suffolk* to be holden at *Ipswich*, or at some Adjournment thereof, first had and obtained; and Twenty-one Days Notice at the least shall be given by the Clerk for the Time being of the said Company of any Application intended to be made to the said Court for the Purpose aforesaid, by inserting the said Notice for Three consecutive Weeks in some one and the same Newspaper published or circulated within the said Town of *Ipswich*.

For protecting the Waterworks, Pipes, &c.

XXVIII. And be it enacted, That nothing herein or in the said Acts incorporated herewith contained shall extend or be construed to extend to authorize or empower the said *Ipswich* Gaslight Company, or any other Person or Persons, in any Way whatsoever, to interfere with or abridge the Rights or Privileges of any Person or Persons, Bodies Politic or Corporate, having any Right, Privilege, or Power to supply the Inhabitants of said Town and Borough, or the Neighbourhood thereof, with Water; and that when and as often as the said Gaslight Company, their Successors or Assigns, or their Servants, Agents, or Workmen, shall dig or sink any Trench or Trenches for laying any Pipe or Pipes for the Conveyance of Gas, or other Apparatus, or shall open any Ground for the Purposes of this Act or any of them, in, upon, or near to which any Water, Water Pipe or Pipes, for the Supply of any Dwelling House or Building, shall be laid, then and on every such Occasion the said Gaslight Company, their Servants, Agents, and Workmen, shall protect and secure such Water Pipe or Pipes from any Injury or Damage, and shall also repair and make good any Damage that shall or may be done to any such Pipe or Pipes on any such Occasion; and in default of repairing and making good any such Damage, the said Gaslight Company, their Successors or Assigns, shall for each and every such Default forfeit and pay, for the Use of the several Proprietors of such Water Pipe or Pipes, any Sum not exceeding Twenty Pounds, and also the Costs and Expences

which shall have been incurred by any of the Proprietors in and about the protecting and securing of any such Water Pipe or Pipes, or in and about the repairing or making good any Injury or Damage that may have been done thereto by the Means aforesaid, such Costs and Expences to be ascertained by any Justice of the Peace for the said Town and Borough, and to be recovered in the same Manner as any other Expences or Penalty under this Act may be recovered.

Commissioners of Pavement empowered to raise, sink, or alter Pipes, &c.

XXIX. And be it enacted, That if, for the Purposes of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to amend the several Acts for paving, lighting, cleansing, and otherwise improving the Town of* Ipswich *in the County of* Suffolk, *and for removing and preventing Encroachments, Obstructions, and Annoyances therein*, or the Acts therein recited, it shall at any Time or Times be deemed necessary or expedient by the Commissioners acting under such Act or Acts to require the said Company to raise, sink, or otherwise alter the Situation of any of the Mains, Pipes, Stopcocks, Plugs, Syphons, or Branches, which shall be laid down for the Purposes aforesaid, the said Company shall, within Two Calendar Months next after being required so to do by Notice in Writing to them given by the said Commissioners, signed by their Clerk, at the Costs and Charges of the said Company, raise, sink, or alter such Mains, Pipes, or Stopcocks, Plugs, Syphons, or Branches, according to such Notice, in such Manner and in such Place or Places as the said Commissioners shall think right and proper; and if the said Company shall neglect or refuse to perform such Work, Matters, and Things as last aforesaid, it shall be lawful for the said Commissioners or their Surveyor, or any other Person by their Authority or under their Order, to cause such Mains, Pipes, Cocks, Plugs, Syphons, or Branches to be raised, sunk, or altered; and that the reasonable Costs and Charges for doing the same shall immediately thereafter be paid by the said Company or their Treasurer, and in default thereof the same may be recovered in such and the same Manner as is herein directed with respect to the Recovery of any Penalty from the said Company.

Commissioners to make good Damages done to the Company's Works.

XXX. Provided always, and be it enacted, That if the said Commissioners, or their Surveyor or Workmen, shall, by raising, sinking, or altering any of the said Mains, Pipes, Cocks, Plugs, Syphons, or Branches, or in any other Manner, in the Execution of the Powers and Authorities vested in them as such Commissioners, wilfully or negligently do or commit any Damage or Injury thereto, then and in every such Case such Damage or Injury shall be made good by the said Commissioners at their own Costs, with all practicable Expedition; and in default thereof the same may be made good by the said Company, and the Costs, Charges, and Expences thereof shall be paid by the said Commissioners to the said Company or their Treasurer, and in default thereof may be enforced in such Manner as the Cost and Charges lastly herein-before mentioned are hereby authorized to be enrorced from the said Commissioners.

Costs.

XXXI. And be it enacted, That all Costs, Charges, and Expences attending the passing of this Act or incidental thereto shall be paid by

by the said Company out of the first Monies which shall come to their Hands, and in preference to every other Payment whatsoever.

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

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