ANNO DUODECIMO

VICTORIÆ REGINÆ.

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8 & 9 Vict. c. 7. (Priv.)

of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for inclosing Lands in the Parish of* Saint Mary *in the Town and County of the Town of* Nottingham, various Streets and Roads are being laid out, and additional Works, Mains, Pipes, and other Works will be required for the Purpose of lighting such Streets and Roads, and the Buildings which may be erected therein, and otherwise in satisfying the increasing Demands and Requirements of the Inhabitants within the Limits of the said firstly-recited Act: And whereas the Capital which the Company are authorized to raise under the Powers of the said firstly-recited Act is insufficient for the Purposes aforesaid: And whereas some of the Provisions of the firstly-recited Act are defective and inconvenient, and it is expedient that the same should be altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in the said firstly-recited Act and now remaining in force, (except such of them as are repealed, altered, or otherwise provided for, or are inconsistent with the Provisions of this Act,) shall extend to this Act, and shall be in force in respect to the Objects and Purposes of this Act as fully and effectually to all Intents and Purposes as if such Provisions, Matters, and Things were repeated and re-enacted in this Act with express Reference to the Objects and Purposes thereof; and the said firstly-recited Act and this Act shall, as to all Matters and Things whatsoever, (except as aforesaid,) be read and construed together as One Act.

Powers of recited Act extended to this Act, except as hereby altered.

Augmentation of Capital.

II. And whereas the present Share Capital of the Company is Forty-two thousand five hundred Pounds, consisting of the Sum of Forty thousand Pounds authorized to be raised by the said firstly-recited Act, and of the further Sum of Two thousand five hundred Pounds arising from the Conversion of Loans into Capital, under or by virtue of the Provisions in such Act contained: Be it enacted, That it shall be lawful for the Company from Time to Time, by an Order of any Ordinary or Extraordinary Meeting thereof, to raise by the Creation of new Shares, in addition to the said Sums which they have raised by Shares, and also in addition to any Sum which they have raised or may hereafter raise upon Mortgage or Loan under and by virtue of the said firstly-recited Act or this Act, any Sum or Sums of Money not exceeding in the whole the further Sum of Forty-two thousand five hundred Pounds.

New Shares to be considered same as original Shares.

III. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company, and shall be divided into Shares of such nominal Value as the Committee of the Company shall determine, and such new Capital and new Shares shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, (in case the whole Amount of such Shares shall not be payable at one Time,) or to the

the Limitation of Dividends, or otherwise, as if such Capital had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Committee of the Company from Time to Time to fix as they shall think fit.

New Shares to be sold by Auction.

IV. And be it enacted, That the Committee of the Company shall cause such new Shares, when and as the same shall from Time to Time be issued, to be sold by public Auction, in such Manner and at such Times, and subject to such Conditions, as the said Committee may from Time to Time determine.

Sales by Auction to be advertised.

V. And be it enacted, That the Intention to sell the said Shares by Auction shall be duly advertised, for Two successive Weeks, in Two or more Newspapers published in the Town of *Nottingham*; and any Sum of Money which shall arise upon such Sales by way of Premium shall form Part of the said Sum of Forty-two thousand five hundred Pounds hereby authorized to be raised, and 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 firstly-recited Act, and shall not be considered as Part of the Capital of the Company entitled to Dividend.

Rights of new Shareholders to be in proportion to the Value of new Shares.

VI. And be it enacted, That every Person who shall become entitled to any new Share to be created under this Act shall in respect of the same Share be a Shareholder in the Undertaking, and shall be entitled to a Share of the Dividends of the Company in the Proportion which the Amount paid up on such new Shares shall, exclusive of any Premium, bear to the aggregate Amount of the paid-up Capital of the Company for the Time being in respect whereof such Dividends shall be payable; and such new Shares shall also confer on the respective Shareholders or Proprietors thereof Rights of voting and Qualifications in proportion to the Amount paid up on such new Shares, exclusive of any Premium, and not in proportion to the Number thereof; and for such Purposes every entire Sum of Twenty-five Pounds of such Amount so paid up shall be considered as equivalent to One Share of Twenty-five Pounds under the said firstly-recited Act, and no Shareholder shall vote in respect of any Number of such new Shares which shall constitute a less Interest in the Capital of the Company than Twenty-five Pounds.

So much of firstly-recited Act as to Limit of Shares repealed.

VII. And be it enacted, That so much of the firstly-recited Act as provides that no Person should at any Time thereafter hold more in the said Undertaking than such Number of original Shares as should be equal in nominal Value to Ten original Shares of Fifty Pounds each, and such Number of new additional Shares as should be equal in nominal Value to Ten Shares of Fifty Pounds each, otherwise than by Devise or by virtue of the Statute of Distribution of Intestates Effects, shall be and the same is hereby repealed.

Power to borrow additional Money

VIII. And whereas the Company were authorized by the firstly-recited Act to raise or continue certain Sum or Sums of Money, amounting

on Mortgage.

amounting together to the Sum of Thirteen thousand Pounds, on Mortgage or Bond, or by the Creation of new Shares, and the Company have raised a Portion of such Sum by the Sale of Shares, in pursuance of the Provisions contained in the firstly-recited Act, and it is expedient to enable the Company to raise a further Sum of Money by Mortgage or Bond: Be it enacted, That when and so soon as 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 (in addition to such Sum or Sums of Money so authorized to be raised by Mortgage or Bond by virtue of the firstly-recited Act, and also in addition to the Capital raised or authorized to be raised by Shares by the said firstly-recited Act, and by this Act,) such further Sum or Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of an Ordinary or Extraordinary Meeting of the Company, not exceeding in the whole the Sum of Twelve thousand Pounds; and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Rents and Profits of the Undertaking, or the future Calls on the Shareholders of the Company, or to give Bonds, in manner herein-after mentioned: Provided always, that the Amount due and owing upon Mortgage or Bond at any one Time shall not exceed One Third of the Share Capital for the Time being actually subscribed for and issued.

Re-borrowing.

IX. And be it enacted, That if after having borrowed any Part of the Money authorized to be borrowed on Mortgage or Bond by virtue of the firstly-recited Act and this Act, or either of them, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of re-borrowing shall not be exercised without the Authority of an Ordinary or Extraordinary Meeting of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

Mortgages and Bonds.

X. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed, under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage, Deed, or Bond may be according to the Forms set forth in the Schedule (C.) or (D.) annexed to the said firstly-recited Act, or with such Variation in such Forms as the Circumstances of the Case may require.

Mortgages under former Acts to have Priority.

XI. And be it enacted, That all Mortgages and Bonds already granted or continued under or by virtue of the Powers of the said firstly-recited Act shall have Priority over the Mortgages and Bonds by this Act authorized to be given.

Rights of Mortgagees.

XII. And be it enacted, That (subject as aforesaid to the Rights of existing Mortgagees and Bondholders) the respective Mortgagees shall be entitled one with another to their respective Proportions of the Rents, Sums, and Premises comprised in such Mortgages according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of the Priority

Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Rights of Obligees.

XIII. And be it enacted, That (subject as aforesaid to the Rights of existing Mortgagees and Bondholders) the respective Obligees in the Bonds granted by virtue of this Act shall proportionably, according to the Amount of the Monies secured thereby, be entitled to be paid, out of the said Rents, Sums, and Premises, the respective Sums in such Bonds mentioned, and thereby intended to be secured, without any Preference one above another, or above the said Mortgagees under this Act, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever.

Transfers to be stamped.

XIV. And be it enacted, That every Transfer of any Mortgage or Bond shall be by Deed duly stamped, wherein the Consideration shall be truly stated.

Provisions in recited Act as to Mortgages and Bond extended to this Act.

XV. And be it enacted, That the Provisions contained in the said firstly-recited Act relating to the Registry of Mortgages and Bonds, the Transfer of Mortgages and Bonds, and the Registry of such Transfers, the Payment of the Interest, and the Repayment of Principal, the Appointment of a Receiver, and the Power to convert Loan into Capital, shall extend and be applicable to the Mortgages and Bonds by this Act authorized to be granted: Provided always, that the Provisions of this Act with reference to Sales of Shares by Auction, and the Application of Premiums, shall also be applicable to any Shares to be created for the Conversion of Loan into Capital by virtue of this Act.

So much of recited Act as relates to contingent Fund repealed.

XVI. And whereas it was by the recited Act enacted, that if the clear Profits of the said Undertaking, after Payment of all Costs, Charges, and Expenses, should in any Year amount to a larger Sum than should be sufficient to make Distribution amongst the Proprietors of the Company of the Dividends thereby authorized to be paid in respect of each Share in the said Undertaking, the Excess beyond the Sum which might be necessary for the Purposes aforesaid should accumulate until the Fund so formed should amount to the Sum of Four thousand Pounds, which Sum should form a contingent or reserved Fund to answer any Deficiency which might at any Time happen in the Amount of divisible Profits of the Company, or to meet any extraordinary Claim or Demand which might at any Time arise against the Company, or for the further Improvement of their Works; and it was also enacted, that when and so soon as such Fund should, by Accumulation or otherwise, amount to the Sum of Four thousand Pounds, an Account of the said contingent Fund, and of the Receipts, Expenditure, and Profits of the Company, should be laid before the Justices assembled at the Quarter Sessions of the Peace for the Town and County of the Town of *Nottingham*, and be filed with the Clerk of the Peace of the said Town and County, and if it should thereupon appear to such Justices that the Profits of the Company for the preceding Year should have exceeded the Sum therein-before authorized to be divided amongst the several Proprietors

of Shares in the said Undertaking the Company should make such a rateable Reduction in the Rents and Prices of Gas to be furnished by the Company for the then current Year as the Company might deem prudent, or as in the Judgment of the Justices should be proper, until by the Expenditure and Payments of the Company the contingent Fund should be reduced below the said Sum of Four thousand Pounds, when the Price of the Gas might, if necessary, be again raised, and so from Time to Time as often as such Event should happen: And whereas it is expedient that the said Enactments should be repealed, and other Provisions made in lieu thereof: Be it enacted, That on and after the First Day of *July* One thousand eight hundred and forty-nine the said Enactments shall be and the same are hereby repealed.

Certain Clauses in Gas Clauses Act incorporated with this Act.

XVII. And be it enacted, That the Clauses contained in the Gas Works Clauses Act, 1847, with respect to the Amount of Profit to be received by the Undertakers when the Gas Works are carried on for their Benefit, shall be incorporated with and form Part of this Act, and shall take effect on and after the said First Day of *July* One thousand eight hundred and forty-nine.

Regulating Supply of Gas, and Price for public Lamps.

XVIII. And be it enacted, 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.

So much of firstly-recited Act as to Hire of Meters repealed.

XIX. And be it enacted, That so much of the said firstly-recited Act as enacts that it should be lawful for the Company to lend any Meter for ascertaining the Quantity of Gas consumed or supplied for such Remuneration in Money as should be agreed upon, and such Remuneration should be recoverable in the same Manner as Rents due to the Company, and such Meter or Meters should not be subject to the Rights of Distress of the Landlords of the Premises where such might be used for Rent, nor for any Lien or Pledge known in the Law of *England*, any Law or Practice to the contrary notwithstanding, shall be and the same is hereby repealed.

Power to Company to let Meters and Fittings.

XX. And be it enacted, That the Company may let for Hire any Meter for ascertaining the Quantity of Gas consumed or supplied, and any Fittings for the Gas, for such Remuneration in Money as shall be agreed upon between the Company and any Person to whom the same may be so let; and such Remuneration shall be recoverable in the same Manner as the Rents or Sums due to the Company for Gas; and such Meters and Fittings shall not be subject to Distress for Rent of the Premises where the same may be used, nor to be taken in execution under any Process of a Court of Law or Equity, or any Fiat in Bankruptcy against the Person in whose Possession the same may be.

So much of firstly-recited Act

XXI. And be it enacted, That so much of the firstly-recited Act as enacts that it should be lawful for the Officer duly appointed for

the Purpose by the Company to inspect every Building and Place lighted with Gas supplied by the Company, and if in any such Building or Place any Meter for ascertaining the Quantity of Gas consumed or supplied should be fraudulently altered the Person making use of such Meter which should be so altered should for every such Offence forfeit and pay to the Company a Penalty not exceeding Ten Pounds, shall be and the same is hereby repealed. as to Penalty for injuring Meters repealed.

XXII. And be it enacted, That the Clerk, Engineer, or other Officer duly appointed for the Purpose by the Company, may at all reasonable Times enter any Building or Place lighted with Gas supplied by the Company in order to inspect the Meters, Fittings, and Works for regulating the Supply of Gas, and for the Purpose of ascertaining the Quantity of Gas consumed or supplied, and if any Person hinder such Officer as aforesaid from entering and making such Inspection as aforesaid at any reasonable Time, he shall for every such Offence forfeit to the Company a Sum not exceeding Five Pounds. Company may enter Buildings for ascertaining Quantities of Gas consumed.

XXIII. And be it enacted, That every Person who shall wilfully or fraudulently injure any Meter or Fittings belonging to the Company, or shall alter the Index to any Meter, shall forfeit to the Company a Sum not exceeding the Sum of Five Pounds; and the Company may, in addition thereto recover the Amount of any Damages by them sustained, and the Company may also take off the Gas from the House and Premises of the Person so offending, notwithstanding any Contract which may have been previously entered into. Penalty for Injury to Meter, &c.

XXIV. And be it enacted, That the Recorder of the Borough of *Nottingham* shall appoint an Inspector of Meters, which he is hereby authorized to do; and such Inspector shall have at all Times, on the Application and at the Expense of any Consumer of Gas supplied by the Company, a Right to inspect the Meters erected by the said Company in the Premises of the Person making such Request, after giving Forty-eight Hours Notice of such intended Inspection to the said Company or their Clerk. Inspection of Meters.

XXV. Provided always, and be it enacted, That before such Inspection the Person requiring such Examination shall deposit in the Hands of the Inspector all Money due or appearing to be due by such Person to the Company; and in case such Consumer shall have paid any Sum in excess, such Excess shall be returned to such Consumer. Consumer requiring Examination to deposit Amount due by him to Company.

XXVI. And be it enacted, That in citing this Act in any other Act of Parliament, or in legal Instruments or Proceedings, it shall be sufficient to use the Expression "The *Nottingham* Gas Amendment Act, 1849." Short Title.

XXVII. And be it enacted, That the Monies to be raised by virtue of this Act shall be applied in carrying the Purposes and Objects of the said firstly-recited Act and of this Act into execution, in such Manner as the Committee of the Company may think fit. Application of Monies.

XXVIII. And

Expenses of Act.

XXVIII. And be it enacted, That the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and preparatory thereto, shall be paid out of the Funds of the Company in preference to all other Payments whatsoever.

Public Act.

XXIX. 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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