CHAPTER xxxv.

An Act for enabling the Richmond Gas Company to raise additional Capital, to enlarge their Works, and for other purposes. A.D. 1881.

[3rd June 1881.]

WHEREAS by the Richmond Gas Act 1867 the Richmond Gas Company (herein-after called the Company) were incorporated and authorised to supply gas in the parishes of Richmond and Petersham and the parish or hamlet of Ham and part of the parish of Mortlake all in the county of Surrey : 30 & 31 Vict. c. c.

And whereas by the said Act the capital of the Company was declared to be thirty thousand pounds in three thousand shares of ten pounds each with a power to borrow in respect of the said thirty thousand pounds a sum of seven thousand five hundred pounds.

And whereas by the same Act the Company were authorised to raise additional capital not exceeding thirty thousand pounds with power to borrow a further sum of seven thousand five hundred pounds making the total authorised share capital of the Company sixty thousand pounds and the total authorised amount by loan fifteen thousand pounds :

And whereas the Company have raised the full authorised amount of sixty thousand pounds by shares and a sum of eleven thousand two hundred and fifty pounds by debenture stock leaving only a sum of three thousand seven hundred and fifty pounds available for further extensions and the Company have not granted any mortgages :

And whereas by the same Act the Company were required to furnish a supply of gas within certain limitations to all parts of their district but were prohibited from constructing works for the manufacture of gas except upon certain lands defined in that Act :

And whereas the lands described in the Act of 1867 to which the Company are restricted for the manufacture of gas are now

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fully occupied and no further extensions can be made thereon and the Company have purchased a further piece of land adjoining that described in the said Act but by reason of the restrictions contained in the said Act are unable to construct works for the manufacture of gas thereon:

And whereas since the passing of the Act of 1867 the demand for gas in the Company's district has largely increased and is still increasing and the Company are required year by year to expend further capital and enlarge their works to extend their mains to provide additional services meters and other things and to expend capital for these purposes but are unable to continue doing so without further powers and it is expedient that the Company should be authorised to raise further capital and construct additional works for the manufacture of gas upon the land purchased as aforesaid:

And whereas the objects 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 as follows (that is to say):—

Short title.

1. This Act may be cited as the Richmond Gas Act 1881.

Construction of Act.

2. The Richmond Gas Act 1867 as varied by this Act and this Act shall be construed together as one Act.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.

3. The Companies Clauses Consolidation Act 1845 so far as it relates to the purposes of this Act Part 1 (cancellation and surrender of shares) Part 2 (additional capital) and Part 3 (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845, 1860 and 1869 (except the provisions of the last-mentioned Acts with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are (subject to the provisions of this Act) incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall apply to the existing undertaking of the Company as if the same had been authorised by this Act.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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Additional capital.

5. The Company may from time to time raise (in addition to their present capital of sixty thousand pounds) any further capital not exceeding in the whole forty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such shares or stock together with any premium obtained upon the sale thereof has been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of forty thousand pounds: Provided also that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid ten thousand pounds or within any subsequent year five thousand pounds.

Definition of the capital.

6. The capital of the Company shall consist of one hundred thousand pounds and be classified as follows (that is to say):—

A.—The original capital - -	£30,000
B.—The additional capital authorised by the Richmond Gas Act 1867 - -	30,000
C.—The capital authorised by this Act -	40,000
Total -	£100,000

Dividends on different classes of capital.

7. The maximum rates of dividend payable in any one year upon the several classes of capital before described shall not in any case exceed the rates following (that is to say):—

A. Capital.—The rate of ten pounds upon every one hundred pounds actually paid up of such capital.

B. Capital.—The rates following viz.:—

When the price charged by the Company for gas supplied in the parish of Richmond exceeds three shillings and ninepence per one thousand cubic feet the rate of eight pounds upon every one hundred pounds actually paid up:

When such price is reduced to three shillings and ninepence per one thousand cubic feet the rate of nine pounds upon every one hundred pounds actually paid up:

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When such price is reduced to three shillings and six-pence per one thousand cubic feet the rate of ten pounds upon every one hundred pounds actually paid up and

C. Capital.—The rate of seven pounds upon every one hundred pounds actually paid up: But if the Company issue any portion thereof as preference capital the rate of dividend thereon shall not exceed five pounds in every one hundred pounds actually paid up.

New shares to be offered by auction or tender.

8. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock of the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

Purchase money of capital sold by auction to be paid within three months.

9. It shall be one of the conditions of any sale of shares or of stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale, &c., of shares.

10. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of every local authority within the district supplied by the Company and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulated within the district of supply.

Shares not sold by auction or by tender to be offered to shareholders.

11. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act.

Application of premium arising on issue of shares or stock.

12. Any sum of money which shall arise from the issue of any such shares or stock by way of premium, after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Dividends on different classes of shares or stock to be paid proportionately.

13. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the maximum rate of dividend on each class of ordinary shares or stock in the capital and additional capital of the Company a proportionate deduction shall be made in the dividend of each class.

Borrowing powers in respect of additional capital.

14. In addition to the sum of fifteen thousand pounds which the Company are authorised to borrow by their Act of 1867 they may subject to the provisions of Part III. of the Companies Clauses Act 1863 create and issue debenture stock in respect of the additional capital by this Act authorised to be raised by shares or stock to an amount not exceeding in the whole ten thousand pounds provided that the aggregate amount borrowed by the Company shall not at any time exceed one-fourth part of the share capital actually paid up but no part of the said ten thousand pounds shall be borrowed until the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the capital in respect of which such borrowing powers are sought to be exercised has been fully paid up and upon production to such justice of the books of the Company and such other evidence as he shall think sufficient he shall grant a certificate that the proof afore-

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said has been given which certificate shall be sufficient evidence thereof.

Rate of interest.

15. The Company shall not pay interest at a higher rate than five pounds per centum per annum in respect of any moneys raised by the creation and issue of debenture stock under the authority of this Act.

Priority of debenture stock over other debts.

16. All money to be raised by the Company on debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act.

Borrowed money not to be converted into capital.

17. Notwithstanding anything contained in the 56th section of the Companies Clauses Consolidation Act 1845 the Company shall not have power to raise the money by this Act authorised to be borrowed on debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act.

Application of moneys.

18. All moneys raised by the Company under the powers of this Act shall be applied to the general purposes of the Company.

Directors.

19. The number of directors shall be six. The quorum of a meeting of directors shall be three.

Qualification of Directors.

20. The qualification of a director shall be the possession in his own right of not less than forty shares fully paid up.

Auditors.

21. The number of auditors shall be two but the auditors need not be shareholders in the Company.

Votes of shareholders.

22. The voting of the shareholders in respect of their shares or stock shall be at and after the rate of one vote for every sum of fifty pounds paid up.

Illuminating power.

23. The prescribed number of candles shall be fifteen.

Maximum price.

24. From and after the thirtieth day of June 1881 the price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings per one thousand cubic feet in the parish of Richmond and four shillings and sixpence in the other parts of their district.

Charge for public lamps.

25. The charge for supplying gas to the public lamps in the parish of Richmond including the providing and use of such lamps and all proper lamp-posts lamp-irons burners and fittings connected therewith also the renewing and maintaining the same and the

lighting cleaning and extinguishing the lamps shall on and from the thirtieth day of June 1881 be four pounds five shillings per lamp per annum subject to an increase or reduction of five shillings per lamp per annum for every increase or reduction of threepence per one thousand cubic feet to the ordinary consumer within the said parish. The said lamps to be lighted from sunset to sunrise and the burners used therein to consume not less than five cubic feet of gas per hour.

Company to pay interest on money deposited as security for gas, meter &c.

26. If any person is required by the Company to give to them security for the payment of a supply of gas or the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for the period during which the same remains in their hands.

Pressure of gas.

27. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch in height and from sunset to midnight not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may from time to time subject to the terms of his appointment either at the testing place provided by the Company or by the vestry of Richmond or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours notice shall be given to the Company of the time and place at which such testing shall be conducted.

Gas not to contain more than 20 grains of sulphur in 100 cubic feet.

28. The gas supplied by the Company shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet and the process to be adopted for ascertaining the quantity of sulphur shall unless otherwise agreed upon between the Company and the vestry of Richmond be that know as Doctor Letheby's sulphur test the description of which is as follows (that is to say) the gas shall be burnt from a Leslie's burner at the rate of not more than one cubic foot of gas per hour and the production of the combustion of the gas shall be conveyed together with an excess of the vapour of ammonia into a glass receiver where the condensible products shall be condensed and the sulphur therein contained

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shall be estimated as sulphate of baryta according to the recognised chemical methods of thus estimating sulphur.

Provided that if on any one day the gas shall contain more sulphur than that prescribed by this Act the average of all the testings made on that day and on the preceding and on the following day shall be deemed to represent the quantity of sulphur on that day.

Testing place.

29. The Company shall within twelve months after the passing of this Act cause to be provided at some convenient place in the town of Richmond (as near to the Vestry Hall as may be practicable) a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing the gas shall be a Sugg's "London" Argand No 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used and when such testing place is provided the Company shall give notice thereof to the vestry of Richmond and thereupon the testing place established at the Company's works under the authority of the Richmond Gas Act 1867 shall as to any public use thereof be discontinued.

Testing place provided by vestry of Richmond.

30. The vestry of Richmond may retain at the Vestry Hall in Richmond as provided by section 54 of the Richmond Gas Act 1867 an experimental meter with burner and apparatus for testing the gas supplied by the Company but such apparatus shall be the same as that prescribed by the Gasworks Clauses Act 1871 and the burner shall be a Sugg's "London" Argand No. 1 as herein-before specified and the vestry shall (so long as they retain the same) at their own expense at all times keep and maintain the said meter burner and apparatus in good working order and from time to time renew the same and the gas examiner appointed by the said vestry may either at the Vestry Hall aforesaid or at the testing place provided by the Company test the gas supplied by the Company in accordance with the regulations respecting the testing of gas and the mode and times of making such tests prescribed by the Gasworks Clauses Act 1871 and the provisions of that Act with reference to the testing of gas and to penalties shall apply to the testing at the Vestry Hall and the Company and their officers and servants shall afford all proper and sufficient facilities for the said testing.

Lands for the con-

31. Subject to the provisions of this Act the Company may on the land described in Part 2 of the Schedule to this Act annexed

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which includes the land described in section 43 of the Richmond Gas Act 1867 erect construct and maintain and from time to time alter enlarge extend discontinue and renew all such works machinery and apparatus as may be necessary for and incidental to the manufacture and storing of gas and the manufacture conversion or utilization and storing of products resulting from the manufacture of gas and matters producible therefrom and may sell and dispose of the same on the said land and elsewhere and may also sell let on hire and deal in meters fittings stoves tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit: Provided always that it shall not be lawful for the Company to manufacture convert utilize or store any products other than those resulting from the gas manufactured by the Company on the said land described in Part 2 of the Schedule to this Act or to distil tar at their works situate on the said land.

Construction of gasworks.

32. The Company may for the general purposes of their undertaking and in addition to the land described in Part 2 of the Schedule to this Act annexed purchase by agreement or take on lease and hold any other lands and hereditaments not exceeding in the whole three acres which from time to time they may require but no lands shall be used by the Company for the purpose of manufacturing or storing gas or residual products except the land described in Part 2 of the Schedule to this Act.

Lands for other purposes.

33. The Company and the London and South-western Railway Company may enter into agreements for the construction and maintenance of a railway or siding from the London and South-western Railway into the Company's works and in constructing the said railway or siding they may with the consent of the local authority or authorities having charge of such road (who are hereby authorised to give their consent) carry the same under any public road intervening between the railway and the Company's works.

Railway siding.

34. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of her Crown without the consent in writing of the Commissioners for the time being of Her Majesty's Woods Forests and Land Revenues or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give)

Saving rights of the Crown.

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neither shall anything in the said Act or Acts contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Repeal of certain sections of 30 & 31 Vict. c. c.

35. The several sections of the Richmond Gas Act 1867 enumerated in Part 1 of the Schedule to this Act being superseded by the provisions of this Act or the Gasworks Clauses Act 1871 incorporated herewith are hereby repealed.

Expenses of Act.

36. All costs charges and expenses of and incident to the obtaining of this Act shall be paid by the Company.

SCHEDULE.

Part I.

Sections of the Richmond Gas Act 1867 *repealed under Clause* 35.

Viz. 23 24 25 35 36 37 38 40 41 43 46 47 and from 50 to 69 both inclusive.

Part II.

Gas Land.

A piece of land containing four acres two roods (more or less) now occupied by the Company and enclosed within their boundary wall or fence and situate in the parish of Mortlake in the county of Surrey the said land being bounded on the west by Black Horse Lane on the north by the road or highway leading from Mortlake to Richmond known as the Lower Richmond Road on the east by land and houses belonging to or reputed to belong to Thomas Keane FitzGerald and on the south by land belonging or reputed to belong to the Crown now occupied as a market garden or nursery ground.

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