CHAPTER xxxii.

An Act for incorporating the Sittingbourne District Gas Company, and authorising them to supply with Gas the Town of Sittingbourne and certain neighbouring Parishes and Places in the County of Kent; and for other purposes. A.D. 1877.

[11th June 1877.]

WHEREAS in or about the year one thousand eight hundred and forty-six George Smeed, of Sittingbourne in the county of Kent, merchant, constructed gasworks at Sittingbourne in the county of Kent, for the purpose of supplying the town of Sittingbourne with gas, and subsequently, in or about the year one thousand eight hundred and sixty-three, abandoned those works and constructed other gasworks at Murston, near to Sittingbourne, on the land described in the schedule to this Act, or on part thereof (which works are commonly known as the Sittingbourne Gasworks), for the purpose of supplying the town with gas, and has since that time continued to supply the town, and has from time to time enlarged the said works and extended his mains and pipes, and is now supplying gas within the parishes of Sittingbourne, Murston, Bapchild, Bobbing, Borden, Milton-next-Sittingbourne, Newington-next-Sittingbourne, Lynsted, Teynham, and Tunstall, or some of them, all in the said county:

And whereas the demand for gas within the said parishes and other neighbouring parishes has of late considerably increased and is still increasing, and it is expedient that better provision be made for supplying and lighting with gas the said parishes:

And whereas the persons herein-after named, with others, are willing at their own expense to undertake and provide for the lighting the said parishes with gas if authorised to do so, and are desirous of being incorporated into a company with adequate powers for that purpose, and it is expedient that they be incorporated accordingly, and authorised to supply and light with gas

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the several parishes aforesaid, and to acquire and maintain the said gasworks, and to enlarge and improve the same, and the said George Smeed is willing to sell and transfer his said gas undertaking:

And whereas the objects of this Act 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:

Short title.

1. This Act may be cited for all purposes as "The Sittingbourne District Gas Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Gasworks Clauses Act, 1847," and "The Gasworks Clauses Act, 1871," are (as far as they are applicable for the purposes of and are not expressly varied by or inconsistent with this Act) incorporated with this Act.

Interpretation of terms.

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

The expression "the Company" shall mean the Company incorporated by this Act:

The expressions "the works" and "the gasworks" shall mean and include respectively the gasworks and works connected therewith by this Act to be transferred to or authorised to be maintained by the Company, and any improvement and enlargement thereof which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, and effects of the Company, and every part thereof respectively:

The expression "the undertaking" shall mean the undertaking of the Company:

The expression "superior courts," "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a

simple contract debt, and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act shall be the parishes of Sittingbourne, Murston, Bapchild, Bobbing, Milton-next-Sittingbourne, Borden, Newington-next-Sittingbourne, Tong, Lynsted, Teynham, Tunstall, Rodmersham, Kingsdown, Milsted, Bredgar, Halstow-the-Lower, and Hartlip, in the county of Kent: Provided always, that it shall not be lawful for the Company, save and except with the previous consent in writing of the Commissioners acting in execution of an Act passed in the first year of the reign of Her present Majesty, intituled "An Act for better paving, cleansing, lighting, watching, and "otherwise improving the town of Milton-next-Sittingbourne in the "county of Kent," to lay down any pipes within or to light with gas any part of the district which the said Commissioners have power under the said Act to light with gas, excepting that which is coloured green upon a plan signed in triplicate by the Right Honourable John Thomas Earl of Redesdale, Chairman of the Committee of the House of Lords to which this Bill was referred, and one copy of which is deposited in the Parliament Office of the said House.

Company incorporated.

5. Edward Lloyd, George Payne, William James Harris, and Robert Chapman, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Sittingbourne District Gas Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

6. The Company shall be established for the purpose of manufacturing and storing gas, and for supplying gas within the limits of this Act, and for manufacturing, converting, or utilising and distributing residual products and materials arising in or resulting from such manufacture, and for dealing in, selling, and disposing of gas, lime, coal, coke, tar, and other residual products, matters, and things, and for carrying on the business usually carried on by gas companies, and for manufacturing, purchasing, and hiring, and supplying gas meters, fittings, and other apparatus, and generally for carrying the powers of this Act into execution.

Sale of the existing gasworks to the Company.

7. The said George Smeed shall sell and the Company shall purchase the gasworks undertaking of the said George Smeed

A.D. 1877. situate at Murston aforesaid, and commonly called or known as "The Sittingbourne Gasworks," for the consideration and on and subject to the terms and conditions following; that is to say,

(1.) The sale shall comprise the whole gas undertaking, gasworks, lands, buildings, mains, pipes, services, machinery, plant, tools, implements, meters, fittings, stock in trade, real and personal estate and effects, books, plans, maps, papers, powers, rights, and privileges of the said George Smeed incident to or used or connected with the said gasworks, but shall not comprise any arrears of gas or meter rates, rents, or charges, or other money owing, belonging, or payable to the said George Smeed at the time herein-after named for completion of the sale:

(2.) The sale shall be completed and the purchase money paid and discharged on the twenty-ninth day of September next after the passing of this Act:

(3.) The said George Smeed, his executors or administrators, shall continue to carry on the said gasworks undertaking and conduct the business thereof as heretofore until the completion of the sale and delivery of possession to the Company; but the said George Smeed, his executors or administrators, shall not make any payment, nor, without the consent of the directors of the Company in writing under their common seal, or under the hand of their secretary, enter into any contract or do any act not necessary in the ordinary course of business, or by reason of which the Company upon such completion may be in anywise injured or prejudicially affected:

(4.) The purchase money to be paid by the Company for the undertaking and premises shall be twenty-two thousand pounds, whereof eleven thousand pounds shall be discharged by the issue and delivery to the said George Smeed of five hundred and fifty fully paid shares of twenty pounds each in the capital of the Company, and the Company shall be entitled to possession of the said gasworks undertaking on payment and discharge of the purchase money. If the sale be not completed on the said twenty-ninth day of September, the Company shall from that day pay interest on the purchase money at the rate of five pounds per centum per annum, and be entitled to the revenues, rents, and profits of the said gasworks undertaking, and bear, pay, satisfy, and discharge all outgoings, payments, expenses, liabilities, and obligations

in respect of or arising out of the carrying on of the business of the said gasworks undertaking until the day of actual completion :

(5) Any difference which may arise between the said parties under this section of this Act shall be settled by arbitration in the manner provided by the Companies Clauses Consolidation Act, 1845, for the settlement of disputes by arbitration, and section one hundred and thirty-one of that Act shall apply in the case of any such arbitration as if one of the parties thereto were a railway company.

Transfer of undertaking to be by deed.

8. The sale of the said gasworks undertaking and property of the said George Smeed as herein-before expressed shall be carried into effect by a deed of conveyance, duly stamped, truly stating the consideration.

Recovery of gas rents, &c.

9. All gas and meter rates, rents, or charges, and other sums of money which upon or immediately before the completion of the sale were accruing to the said George Smeed, may, with the consent of the said George Smeed, his executors or administrators, when the same shall have become due and payable, be paid to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done by the Company under this Act ; and the Company shall apportion all moneys paid to and received by them under the last preceding section of this Act, and shall from time to time, on demand, pay the proper proportion of such moneys to the said George Smeed, his executors and administrators.

Capital, and number and amount of shares.

10. The capital of the Company shall be thirty thousand pounds, divided into one thousand five hundred shares of twenty pounds each.

Shares not to issue until one-fifth part paid up.

11. Except the shares issued to the said George Smeed in part payment of the purchase money for the gasworks, the Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

12. Except the shares issued to the said George Smeed as aforesaid, one fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

13. The Company may at any time and from time to time, after the transfer of the undertaking to the Company, borrow on mort-

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gage in respect of the sum of twenty-two thousand pounds, part of the capital of the Company, any sum or sums not exceeding in the whole five thousand five hundred pounds, and in addition thereto the Company may from time to time borrow on mortgage in respect of eight thousand pounds, the remainder of the capital of the Company, any sum or sums not exceeding in the whole two thousand pounds; but no part of such sum of two thousand pounds shall be borrowed until the remaining capital of eight thousand pounds is issued and accepted and one half thereof is paid up, and 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 required amount of capital has been issued and accepted, and that one half thereof has been paid, and that not less than one-fifth part of the amount of each separate share in the required amount of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Short title of Act to be marked on mortgage.

14. Every mortgage granted by the Company shall bear on its face the short title of the Act under the powers of which the same is granted.

Arrears of interest and principal may be enforced by appointment of a receiver.

15. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than seven hundred pounds in the whole.

As to conversion of borrowed money into capital.

16. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, 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, unless in either case all dividends upon such shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Priority of mortgages over other debts.

17. All money to be raised by the Company on mortgage or 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 engagementsentered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Power to create debenture stock.

18. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Company shall rank pari passu with the interest of all mortgages granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

19. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied to the purposes of this Act only.

General meetings.

20. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the future ordinary meetings of the Company shall be held in the month of October in every subsequent year, or in such other month in every subsequent year as the Company by the resolution of an extraordinary general meeting shall from time to time determine.

Quorum of meetings.

21. The quorum to constitute a general meeting, whether ordinary or extraordinary, of the Company shall be seven shareholders, holding in the aggregate not less than two thousand pounds nominal value in the capital of the Company.

Extraordinary meeting convened by shareholders.

22. The number of shareholders who may require an extraordinary meeting to be convened shall not be less than ten, holding in the aggregate not less than three thousand pounds in the capital of the Company.

Number of directors.

23. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

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Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than two hundred pounds in the capital of the Company.

Quorum of directors.

25. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three the quorum shall be two.

First directors.

26. Edward Lloyd, George Smeed, George Payne, William James Harris, and Robert Chapman shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall, subject to the power herein-before contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845;" and the several persons elected at any such meeting, being neither removed nor disqualified nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided in the same Act.

Auditors not required to hold shares.

27. The auditors need not hold shares in the Company.

Powers as to maintenance and enlargement of gasworks, &c.

28. After the transfer of the existing gasworks undertaking to the Company, and subject to the provisions of this Act, the Company may maintain, alter, improve, enlarge, extend, and renew or discontinue the gas and other works upon the land described in the schedule to this Act, and they may also erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue additional and other gasworks, retorts, gasholders, with all necessary machinery and other works, apparatus, and conveniences, and may do all such acts as they may think proper for making and storing gas, and for manufacturing and converting residual products, and for supplying gas within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, convert, sell, provide, supply, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal liquor, and the products or residuum of any materials employed in or resulting from the manufacture of gas, and all such meters, fittings, 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.

Power to purchase lands by agreement. Gas not to be manufactured except on land scheduled.

29. The Company may for the purposes of their undertaking purchase, take, and hold (by agreement, but not otherwise), in addition to the land described in the schedule to this Act, any lands and hereditaments, not exceeding in the whole three acres, which the Company may from time to time require for the purposes of their works and undertaking; but the Company shall not construct works for the manufacture of gas, or for the manufacture or conversion of residual products, nor manufacture or convert gas or residual products, except upon the land described in the schedule to this Act.

Power to lay pipes against buildings.

30. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Power to contract with public bodies.

31. The Company may from time to time enter into and carry into effect contracts with any sanitary or other local authority within the limits of this Act with respect to the supply of lamps, lamp posts, gas fittings, or meters of the Company, and the lighting, extinguishing, repairing, and keeping clean the public lamps from time to time required by such sanitary or local authority to be lighted, on such terms and conditions as they think fit, and otherwise as shall from time to time be agreed upon between such sanitary or local authority and the Company.

Power to remove meters, &c. from unoccupied buildings.

32. In all cases in which the Company are authorised to cut off and take the supply of gas from any house, building, or premises, then if such house, building, or premises be unoccupied, the Company, their agents, servants, or workmen, after giving to the owner twenty-four hours previous notice in writing duly authenticated by serving such notice on him, or if the owner be not known to the Company, by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into and upon the same between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, or fittings, or other works the property of the Company.

Limiting the price of gas.

33. 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 six shillings per one thousand cubic feet.

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Power to take licenses.

34. Subject to the provisions of this Act, the Company may (but only for the purposes of the Company within the limits of this Act, and not so as to acquire any exclusive right therein,) contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention under any letters patent heretofore made or hereafter to be made, granting any right or privilege of working, using, or vending any invention in relation to the manufacture or distribution of gas, or the conversion, manufacture, or utilisation of the products obtained from the manufacture of gas, or the materials used therein.

Pressure of gas.

35. 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, 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, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose 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 previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

36. The prescribed number of candles shall be fourteen.

Testing place.

37. Within three months from the passing of this Act a testing place shall be provided at the works of the Company.

Burner.

38. The prescribed burner shall be Sugg's London argand burner Number 1, with a six-inch by one-and-three-quarter-inch glass chimney, but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used, or such other burner and chimney as may from time to time be approved by the Board of Trade for this purpose.

Security for payment of gas rents.

39. Any person having or requesting to have a supply of gas from the Company shall, if and when so required by the Company, and before he is entitled to have any service pipes and meter provided and fixed, or to have a supply or further supply of gas, give the Company such security for the payment of one year's rent or charge for the gas to be supplied to him as he and the Company may agree upon, or as, in default of agreement, shall be determined in the manner provided by "The Gasworks Clauses Act, 1871," for

determining the amount of security to be given for the use of meters supplied by the Company, and the Company shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give them such security for seven days after the same shall have been demanded by the Company.

Company to pay interest on money deposited as security.

40. If any person is required by the Company to give to them security as herein-before mentioned, the Company shall, in the event of such security being a sum of money deposited with the Company, pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security during such time as the said money shall be so deposited, and such interest shall be payable half yearly, subject, however, to the right of the Company to set off the same against any money due to the Company from such person.

Authentication of notices.

41. Any summons, warrant, demand, or notice, or other such document to be issued or given for any of the purposes of this Act may be in writing or print, or partly in writing or partly in print, and if the same require authentication by the Company, the signature thereof by the secretary to the Company shall be a sufficient authentication.

Notice to Company to discontinue supply.

42. A notice to the Company from a consumer for a discontinuance of a supply of gas shall not be of any effect unless it be in writing, and be left at the principal office for the time being of the Company.

Liability to gas rent not to disqualify justice, &c.

43. A justice or judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, meter rent, rate, or charge under this Act.

Application of penalties.

44. Every penalty imposed by this Act shall (except where otherwise expressly provided, and except where the Company shall be the party by whom the penalty has to be paid,) be paid to the Company.

Saving rights of Commissioners of Milton Paving Act.

45. Nothing in this Act contained shall take away, lessen, prejudice, or alter any of the rights, powers, interests, or authorities of the said Commissioners acting in execution of the said Act, intituled "An Act for better paving, cleansing, lighting, watching, and "otherwise improving the town of Milton-next-Sittingbourne in "the county of Kent."

Expenses of Act.

46. All costs, charges, and expenses of and preliminary and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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The SCHEDULE to the foregoing Act.

A piece of land situate at Murston in the county of Kent, containing by admeasurement about one acre and four perches, and lying on the east side of and adjacent to Milton Creek, and bounded on the north and east sides thereof by land belonging or reputed to belong to the said George Smeed, and in the occupation of Smeed, Dean, and Company, Limited, and on the western and southern sides thereof by an occupation road leading from the Brickmakers Arms Inn to the village of Murston.

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