ANNO UNDECIMO

VICTORIÆ REGINÆ.

Cap. xiv.

An Act for incorporating the *Southampton* Gaslight Company, and for supplying at a limited Price the Town and Neighbourhood of *Southampton* with Gas. [9th *June* 1848.]

WHEREAS certain Persons some Years since formed themselves into an Association or Company under the Title of "The *Southampton* Gaslight Company," for the Purpose of supplying with Gas the Town and Neighbourhood of *Southampton*: And whereas the Persons so associated have been for many Years and now are engaged in the Manufacture of Gas for lighting the said Town and Neighbourhood, and are desirous of extending their Supply, and more effectually lighting other Parishes, Districts, and Places: And whereas the said Persons so associated are desirous of being incorporated and of having certain Powers granted to them for the Purpose of more efficiently carrying on their Undertaking; but the same 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 the several Acts of Parliament

8 & 9 Vict. c. 16. and 10 & 11 Vict. c. 15. incorporated with this Act.

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, except so far as the same are inconsistent with the Provisions of this Act, or are expressly varied or altered by this Act.

Construction of Acts.

II. And be it enacted, That in construing this Act and the several Acts incorporated herewith the Expression "the Undertaking" shall mean as well the Gasworks and Works connected therewith by this Act authorized to be constructed as also the Gasworks and Works vested in the Undertakers by this Act, and the Expression "the Undertakers" shall mean the Company incorporated by this Act.

Recorder of Southampton to exercise Powers given to Quarter Sessions by 8 & 9 Vict. c. 16. and 10 & 11 Vict. c. 15.

III. And be it enacted, That the Recorder of *Southampton*, at the Quarter Sessions of the Peace for the Town and County of the Town of *Southampton*, shall, in reference to the Execution of this Act within the Town and County of the Town of *Southampton*, have and exercise all the Powers given to the Court of Quarter Sessions by the said Gasworks Clauses Act and Companies Clauses Consolidation Act, or either of them, and this Act and the said Acts shall be read and construed, so far as relates to their Execution within the said Town and County of the Town of *Southampton*, as if the Words "Recorder of *Southampton*, at the Quarter Sessions of the Peace for the Town and County of the Town of *Southampton*," were substituted for the Words "Court of Quarter Sessions," wherever the same occur in the said Acts.

Short Title.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Southampton* Gas Act, 1848."

8 & 9 Vict. c. 18. incorporated with this Act.

V. And be it enacted, That the "Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and the Provisions of the said Lands Clauses Consolidation Act shall be applicable to the Undertaking hereby authorized, except as herein-after mentioned.

Company not to take Lands without Consent.

VI. Provided always, and be it enacted, That nothing in the said Lands Clauses Consolidation Act contained shall authorize the Company hereby incorporated to take or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Limits of this Act.

VII. And be it enacted, That the Limits of this Act shall be held to include the several Streets, Roads, Lanes, public Passages and Places in the Town and County of the Town of *Southampton*, and the Liberties and Precincts thereof and Places adjacent thereto, comprising the several Parishes, Townships, Tythings, extra-parochial and other Places following; that is to say, *Saint Mary Holy Rood* otherwise *Holy Rhood*, *Saint Michael*, *Saint John*, *Saint Lawrence*, *All Saints Infra*, *All Saints Extra*, *South Stoneham*, *Portswood*, the *Common*, the *Marsh*, *Northam*, the Shore and Mudlands in the

Town and County of the Town of *Southampton*, and *Milbrook* otherwise *Millbrook*, *Freemantle*, *Hill* and *Sidford*, *Redbridge*, *Shirley*, the Shore and Mudlands within High-water Mark, the Shore and Mudlands of *Southampton Water* in *Milbrook* otherwise *Millbrook*, *Portswood*, and *Saint Mary Extra*, *Bitterne*, *West End*, and *South Stoneham*.

Incorporation of Company.

VIII. And be it enacted, That *James Blacket*, *William Fowlie*, *Anthony Hudson*, *George Henderson*, *William Charles Humphrys*, *John King*, *Robert Benjamin Kay*, *Martin Maddison*, *Robert Pearce*, *Henry Boucher*, and *David Waite*, and all other Persons and Corporations who now are Shareholders in the said Undertaking, and all such other Persons as shall hereafter become Shareholders in the said Undertaking, and their Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purposes of making and supplying Gas within the Limits of this Act, and for maintaining the existing Gasworks of the said Association, with proper Works and Conveniences connected therewith, and for making any further Works which may be necessary or expedient, with all proper Works and Conveniences for the Purposes aforesaid, according to the Provisions in this and the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Southampton* Gaslight and Coke Company," and by that Name shall be a Body Corporate with perpetual Succession, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking.

Capital of Company.

IX. And be it enacted, That the Capital of the Company shall be Fifty thousand Pounds.

Shares.

X. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be One thousand, and the Amount of each Share shall be Fifty Pounds.

As to the Distribution of Shares.

XI. And whereas the Property of the said Association was previously to the passing of this Act estimated to be of the clear Value of Thirty-two thousand Pounds, and was divided into Sixteen equal Parts or Shares; be it enacted, That immediately after the passing of this Act every Proprietor in the said Association shall be entitled to have allotted to him or her, in respect of each Sixteenth Part or Share in such Association to which but for the passing of this Act he or she would have been entitled, Forty of the said Shares of Fifty Pounds each in the Capital hereby created.

Capital or Joint Stock vested in the Company.

XII. And be it enacted, That the Capital or Joint Stock of the Company shall be and the same is hereby vested in the several Persons who now hold and have subscribed for Shares or shall hereafter subscribe for Shares in the said Undertaking, their several and respective Executors, Administrators, Successors, and Assigns, proportionably to the Number and Value of Shares which they may severally possess therein; and every Person who may hold One or more Share or Shares shall be entitled to and receive, at such Times

as

as the Company shall direct, the entire and net Distribution of an equal proportionable Part (according to the Number and Value of Shares held by him) of the net Profits and Advantages of the said Undertaking that shall and may arise and accrue to, or be raised, recovered, or received by the Company; and every Person having or holding any Share or Shares as aforesaid shall bear and pay a proportionable Sum towards carrying on the Purposes of this Act in manner herein directed and appointed; and every Person who is now entitled to and in the actual Possession of any of the Shares in the said Undertaking, and every Person who after the passing of this Act shall become entitled to and shall be in the actual Possession of One or more Share or Shares in the Capital or Joint Stock of the Company, shall be deemed to be a Shareholder of the said Undertaking, and a Member of the Company, subject to the Provisions and Regulations in this Act contained.

Calls.

XIII. And be it enacted, That Five Pounds *per Centum* on each Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and that Fifty Pounds *per Centum* on each Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share, and that Two Months at the least shall intervene between successive Calls.

Power to borrow Money on Mortgage.

XIV. And whereas the said Association were indebted to the Amount of Five thousand Pounds or thereabouts, to the Payment of which the said Company are hereby made liable; be it enacted, That it shall be lawful for the Company hereby incorporated, at any Time after the passing of this Act, to borrow on Mortgage or Bond, on the Security of the Undertaking of the Company, and subject to the Provisions and Restrictions of the Companies Clauses Consolidation Act, 1845, any Sum or Sums not exceeding the Sum of Ten thousand Pounds.

Power to borrow additional Money when Capital subscribed for, and One Half of it paid up.

XV. And be it enacted, That it shall be lawful for the Company hereby incorporated, at any Time after the whole of the additional Capital hereby authorized to be raised shall have been subscribed for, and One Half thereof actually paid up, to borrow in like Manner, and subject to the same Provisions and Restrictions, in addition to the said Sum of Ten thousand Pounds so authorized to be borrowed as aforesaid, any additional Sum not exceeding the Sum of Six thousand six hundred and sixty Pounds.

Application of Money arising from Sale of superfluous Lands.

XVI. And be it enacted, That all Monies which shall come to the Hands of the Directors in consequence of the Sale of any superfluous Lands, under the Provisions of this and the said Lands Clauses Consolidation Act, shall be applied and disposed of in paying off any Principal Monies due from the said Company on Mortgage or Bond as aforesaid.

Number and Qualification of Directors.

XVII. And be it enacted, That, subject to the Provisions herein contained for increasing or reducing the Number of Directors, the Number of Directors shall be Six, and the Qualification of a Director shall

shall be the Possession in his own Right of Twenty-five Shares in the Undertaking.

Quorum of Directors.

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

Power to vary the Number of Directors.

XIX. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors, but the whole Number of Directors after such an Increase or Reduction as aforesaid shall not be greater than Nine nor less than Six.

First Directors.

XX. And be it enacted, That the said *William Fowlie*, *George Henderson*, *John King*, *Martin Maddison*, *Robert Pearce*, and *William Charles Humphrys* shall be the first Directors of the said Company.

Ordinary Meetings.

XXI. And be it enacted, That the Ordinary Meetings of the Company shall be held at some Time in the Months of *May* and *November* in every Year, and the First Ordinary Meeting shall be held in the Month of *November* next after the passing of this Act.

Appointment of Auditors.

XXII. And be it enacted, That the Number of Auditors shall be Two, and that the said *James Blacket* and *David Waite* shall be the first Auditors of the Company.

Qualification of Auditor.

XXIII. And be it enacted, That no Person shall be capable of being an Auditor unless he be a Shareholder possessed in his own Right of not less than Twenty Shares in the Undertaking.

Company to remunerate Directors.

XXIV. And be it enacted, That it shall be lawful for the Company at any of their General Meetings to fix and determine the Amount of Remuneration to be given to the Directors for their Time and Trouble in conducting the Affairs of the Company, and to direct the same to be paid to such Directors out of the Funds of the Company.

Power to purchase or lease Lands.

XXV. And be it enacted, That it shall be lawful for the Company to agree with the Owners of any Lands which they may think requisite or proper for the Purposes of the said Undertaking, for the absolute Purchase for a Consideration in Money, or for a Lease on such Terms as may be agreed on, of any such Lands or such Part thereof as they shall think proper, and that it shall be lawful for all or any of the Parties who by the said "Lands Clauses Consolidation Act, 1845," are empowered to sell and convey or release to agree for and execute any such Lease as aforesaid: Provided always, that the Consideration for any Lease which shall be granted of any such Lands in which any Person under Disability shall be interested shall be the best yearly Rent, payable half-yearly or oftener, that can be reasonably obtained, without taking any Money by way of Fine or

Premium; provided also, that where any Lands shall have been already taken on Lease for the Purposes of the said Undertaking, or shall be taken on Lease by virtue of this Act, the Company shall afterwards have Power to purchase the Reversion of such Lands, or the Discharge thereof from the Rents and Covenants reserved and payable in and by such Lease.

Form of Lease.

XXVI. And be it enacted, That all Leases of Land so to be taken on Lease may be according to the Form in Schedule (A.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit.

Company not to hold more than Ten Acres.

XXVII. Provided always, and be it enacted, That it shall not be lawful for the Company to purchase, hold, or rent for the Purposes of the Undertaking more than Ten Acres of Land.

Vesting the present Gasworks and other Property in the Company.

XXVIII. And be it enacted, That all Main Pipes and other Pipes and Works which have been already purchased or provided and laid down or placed in the several Streets, Roads, Ways, Lanes and other public Passages and Places within the Limits of this Act, by the said Association called "The *Southampton* Gaslight Company," and belonging to them at the Time of the passing of this Act, and all Retorts, Purifiers, Gas Holders, Receivers, Cisterns, Engines, Machines, Pipes, Posts, Lamp Irons, Lamps, Lands, Tenements, Erections, Buildings, Matters, and Things, Monies, Stocks, Funds, and Securities, the Property of or belonging to or vested in the said Association, or any Trustee or Trustees on their Behalf, and all Leases vested in the said Association or such Trustee or Trustees as aforesaid at the Time of the passing of this Act, shall be and the same are hereby vested in the Company hereby incorporated.

Power to construct Gasworks.

XXIX. And be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to continue the existing Gasworks, and from Time to Time to construct and maintain such other 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 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, and also to manufacture Coke from Coal not used in the Manufacture of Gas, and for selling the same.

Power to Undertakers to lay Pipes for lighting Buildings.

XXX. And be it enacted, That, subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipes into, through, or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Costs of Superintendence over the breaking up of Streets, &c. to be paid by the Company.

XXXI. And be it enacted, That whensoever any Street, Bridge, Sewer, Drain, or Tunnel within the Limits of this Act shall be broken up, pursuant to the Powers and Authorities in this Act, or in the said "Gasworks Clauses Act, 1847," in that Behalf contained, the reasonable Costs of the Superintendence thereof, and of reinstating the same, which may be incurred by the Persons having the Control or Management of such Street, Bridge, Sewer, Drain, or Tunnel, shall be paid by the Company hereby incorporated.

Penalties imposed by this Act not cumulative.

XXXII. Provided always, and be it enacted, That no Penalty or Forfeiture imposed by the said incorporated Acts or any of them, for or in respect of any Act or Default of the Company, shall be cumulative on any Penalty or Forfeiture imposed for or in respect of the same Act or Default by any other Act of Parliament, but it shall be lawful for any Person entitled to proceed for any such Penalty or Forfeiture to elect to proceed under such last-mentioned Act or any of the said incorporated Acts.

Contracts, &c. of the Association to be available against the present Company.

XXXIII. And be it enacted, That all Deeds, Contracts, Bonds, and Agreements entered into or made before the passing of this Act by the said Association acting by the Name of The *Southampton* Gaslight Company, or entered into or made by any Trustees, Committee, or Directors of the said Association, or by any Person acting on behalf of the said Association, and now in force, shall be as binding upon the said Company hereby incorporated, and be of as full Force and Effect in Law in all respects, against and upon the Company hereby incorporated, as if the same respectively had been entered into or made by the said Company after the passing of this Act; and all Bodies Politic or Corporate, and all Persons whosoever, who at the Time of the passing of this Act shall be Parties to any such Deed, Bond, Contract, or Agreement as aforesaid, shall be answerable to the Company hereby incorporated for the full Performance of every the Covenant, Agreement, and Condition of and in any such Deed, Contract, or Agreement contained, and therein stipulated to be done, kept, or performed by any such Parties, in like Manner as if such Deeds, Contracts, or Agreements respectively had been made or entered into with the said Company in pursuance of this Act; and the Company hereby incorporated shall be liable for the Payment of all Debts due from the said Association, as fully as the said Association would have been liable thereto but for the passing of this Act; and all Bodies Politic and Corporate, and all Persons whosoever, who at the Time of the passing of this Act shall stand indebted to the aforesaid Association, or to the Trustees, Committee, or Directors or other Persons acting on behalf of the said Association, in any Sum of Money, shall be liable for the Payment thereof to the said Company hereby established, or to their Treasurer or other Person to be appointed by the said Company to receive the same, and in case of Nonpayment thereof or of any Part thereof the said Company are hereby empowered to proceed for the Recovery thereof, and to recover the same; and all Rights and Remedies which at the Time of the passing of this Act had vested in the said Association, or in any Person as Trustee for the said Association, or against any Person or Corporation whatsoever, and all Rights and Remedies

which

which at the Time of the passing of this Act had vested in any Person or Corporation whatsoever, as against the said Association, shall respectively, unless otherwise especially provided for in this Act, be of full Force, and may be enforced accordingly: Provided always, that nothing in this Act contained shall prejudice the Rights of the existing Creditors of the said Association, but that such Creditors shall have and possess the same Rights as against the individual Members of the said Association as they would have had if this Act not been passed.

Reducing the Price at which the Company under their Contract with the Town Commissioners furnish Gas for private Consumption.

XXXIV. And whereas by Articles of Agreement made the Twenty-second Day of *October* One thousand eight hundred and forty-five, between *Edward Palk*, *Henry Lock*, *John Ellis*, *Thomas Purchase*, *William Blandford*, *John Hole*, and *Ebenezer Williams*, being Seven of the Commissioners acting in the Execution of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for paving, lighting, draining, cleansing, and otherwise improving the Town of* Southampton, *and for removing and preventing Nuisances and Annoyances therein*, of the one Part, and the said *John King* and *Martin Maddison* of the other Part, the said *John King* and *Martin Maddison*, on behalf of themselves and others, Members of the *Southampton* Gaslight Company, covenanted with the said Commissioners for the Supply of Gas, manufactured, prepared, and purified as therein mentioned, to all Owners or Occupiers of such Shops, Taverns, Manufactories, Dwelling Houses, Tenements, Buildings, and Hereditaments as are therein specified or referred to, at and after a Rate not exceeding Ten Shillings for every One thousand Cubic Feet of Gas consumed by them respectively, or in case the same should be paid for quarterly in advance, then at and after a Rate not exceeding Nine Shillings for every Thousand Cubic Feet of Gas so consumed by them, and so in proportion for any less Quantity: And whereas the Company hereby incorporated now propose to supply Gas to such Owners or Occupiers in all Cases at the Rate of Six Shillings for every One thousand Cubic Feet of Gas consumed by them, and so in proportion for any greater or less Quantity; be it therefore enacted, That the said Articles of Agreement shall henceforth operate and take effect, and shall be read and construed as if instead of the Words "Ten Shillings" the Words "Six Shillings," and instead of the Words "Nine Shillings" the Words "Six Shillings," had been inserted in that Part of the said Articles of Agreement herein-before particularly referred to, before the Execution hereof.

Price at which Company shall supply Gas.

XXXV. And be it enacted, That the Company hereby incorporated shall not be entitled to demand or recover, in respect of any Gas supplied by them to any Person burning Gas by Meter, any greater Sum than after the Rate of Six Shillings for every One thousand Cubic Feet of Gas supplied, and so in proportion for any less Quantity than One thousand Cubic Feet.

Saving the Rights of the Commissioners of

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall take away, control, suspend, prejudice, or interfere with any of the Rights, Privileges, Jurisdictions, Powers,

and

and Authorities vested in and belonging to the said Commissioners, save as herein and in the Gasworks Clauses Act, 1847, provided, and that all such Rights, Privileges, Jurisdictions, Powers, and Authorities shall in all other respects be as valid and effectual as if this Act had not been passed. Southampton Improvement.

XXXVII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect in any Manner the Powers and Authorities vested in or belonging to the Commissioners for the Time being acting in the Execution of a certain Act of Parliament, intituled *An Act for maintaining the public Conduits and other Waterworks belonging to the Town of* Southampton, *and for providing an additional Supply of Water for the Inhabitants of the Town and Neighbourhood*, save as in the "Gasworks Clauses Act, 1847," provided, and that all such Powers and Authorities shall in all other respects be as valid as if this Act had not been passed. Saving the Rights of the Commissioners of Waterworks.

XXXVIII. And be it enacted, That all Costs, Charges, and Expenses attending the applying for and obtaining this Act shall be paid out of the first Monies which shall come into the Possession of the Directors of the Company hereby incorporated after the passing of this Act. Expenses of Act.

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

SCHEDULE (A.)

Form of Lease.

I of in consideration of the Sum of paid to me by [*or, as the Case may be,*] in consideration of the Sum of paid to me, and of the Rent herein-after reserved and made payable by The Southampton Gaslight and Coke Company, do hereby demise to the said Company, their Successors and Assigns, all [*describing the Premises to be demised*], together with all Ways, Rights, and Appurtenances thereunto belonging, to hold the Premises to the said Company, their Successors and Assigns, for the Term of Years from the Day of the Date hereof, yielding and paying therefor yearly and every Year during the said Term the yearly Rent of free from Land Tax, Sewers Rate, and all other Taxes and Outgoings (Income Tax excepted), by equal Payments in the Year, the first Payment to be made on the Day of according to the true Intent and Meaning of the Act of Parliament incorporating the said Company. In witness whereof I have hereunto set my Hand and Seal, and the Company have hereunto affixed their Common Seal, this Day of

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