ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. cxlii.

An Act to enable the *Southampton* Gaslight and Coke Company to extend their Limits for the Supply of Gas, and to raise additional Capital; and for other Purposes. [29th *June* 1865]

WHEREAS by "The *Southampton* Gas Act, 1848," the several Persons therein named were incorporated by the Name of "The *Southampton* Gaslight and Coke Company," and were authorized to supply Gas within certain Limits therein mentioned in the Town and County of the Town of *Southampton*, and the Liberties and Precincts thereof and Places adjacent thereto, and for the Purposes of the said Company to raise a Capital of Fifty thousand Pounds in Shares of Fifty Pounds each, and to borrow on Mortgage or Bond any Sums not exceeding in the whole Sixteen thousand six hundred and sixty Pounds: And whereas the Company have raised the whole of the said Share Capital of Fifty thousand Pounds, and have borrowed the Sum of Fourteen thousand five hundred Pounds under the Provisions of the said recited Act: And whereas the whole of the said several Sums of Fifty thousand Pounds and Fourteen thousand five hundred Pounds has been expended in the Works of the Company, and they have also expended in the 11 & 12 Vict. c. xiv.

Extension of their Works the Sum of Twenty thousand Pounds out of the Profits of the Company: And whereas the Company are desirous to capitalize the said Sum of Twenty thousand Pounds by issuing new Shares for the same, bearing Interest, and to create and raise an additional Share Capital of Sixty thousand Pounds, and a further Sum of Fifteen thousand Pounds by borrowing on Mortgage or Bond: And whereas the Demand for Gas in the District within which the Company are now authorized to supply Gas is increasing, and it is expedient that such District should be extended, and that additional Powers should be conferred on the Company: And whereas it is expedient that the Company be authorized to purchase the Undertaking of the *Shirley and Freemantle* Gas Company Limited (herein-after called "the *Shirley* Company"): And whereas the Objects and Purposes aforesaid cannot be effectually provided for 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 any Purpose as "The *Southampton* Gas Act, 1865."

10 & 11 Vict. c. 15., 8 & 9 Vict. c. 16., and 26 & 27 Vict. c. 118. incorporated.

2. "The Gasworks Clauses Act, 1847," and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock;

With respect to the Remedies of Creditors of the Company against Shareholders; and

With respect to Access to the Special Act:

And also the Clauses and Provisions of "The Companies Clauses Act, 1863,"

With respect to Cancellation and Surrender of Shares;

With respect to additional Capital; and

With respect to Debenture Stock;

Shall be incorporated with this Act.

3. In

Interpretation of Terms.

3. In this Act and the Acts and Parts of Acts incorporated therewith, the Expression "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Term "Superior Court" shall include any Court of competent Jurisdiction as in this Act defined; and the Expression "the Corporation" means the Mayor, Aldermen, and Burgesses of the Borough of *Southampton* acting in their Capacity of Local Board of Health for the District of *Southampton*.

Same Meanings to Words in this Act as in incorporated Acts.

4. All Words and Expressions to which by any Act wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the respective Meanings so assigned to them, unless there be something in the Subject or Context inconsistent with such Construction, or other Meanings be assigned to them by this Act.

Power to create additional Shares, to be distributed among old Shareholders.

5. In addition to the said Capital of Fifty thousand Pounds the Company may create One thousand Shares of Twenty Pounds each, herein-after mentioned as "paid-up Shares," which shall be considered as Shares fully paid up, and be deemed Part of the general Capital of the Company; but the Amount of Profits which the Company may divide in respect thereof shall not exceed Five Pounds *per Centum per Annum* upon such Shares, and such Shares shall be distributed among the Proprietors of the Capital of Fifty thousand Pounds in the Proportion of One such Share for every Fifty Pounds Capital of held by such Proprietors respectively.

Power to Company to raise additional Capital.

6. The Company may from Time to Time (in addition to the said Capital of Fifty thousand Pounds and the said One thousand Shares hereby authorized to be created) raise any further Sums not exceeding in the whole Sixty thousand Pounds, by the Creation of Shares (herein-after mentioned as "new Shares") in their Undertaking, of such nominal Value as the Company may think fit, with or without any Preference or Priority of Dividend, which Shares shall form Part of the general Capital of the Company.

Limit of Amount and Number of Calls.

7. The Amount of any One Call to be made upon the new Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Shares not to issue until One Fifth paid up.

8. The Company shall not issue any new Share created under the Authority of this Act, nor shall any new Share vest in the Person accepting

accepting the same, unless and until a Sum, not being less than One Fifth Part of the Amount of such Share, shall have been paid up in respect thereof.

Votes in respect of Shares.

9. Notwithstanding anything contained in "The *Southampton* Gas Act, 1848," or the Acts incorporated therewith, no Member of the Company shall be entitled to vote at any Meeting of the Company, or any Adjournment thereof, unless he shall have been entitled to or possessed of at least Two hundred Pounds paid-up Capital of the Company for at least Six Calendar Months before the Meeting at which such Member shall desire to vote; and every Member qualified to vote as aforesaid shall be entitled to the following and no other Votes; that is to say, for every Two hundred Pounds paid-up Capital of the Company up to Two thousand Pounds, One Vote; for every Four hundred Pounds paid-up Capital beyond the First Two thousand Pounds up to Four thousand Pounds, One additional Vote; and for every Five hundred Pounds paid-up Capital beyond the First Four thousand Pounds, One other Vote.

Limiting Dividends on new Shares.

10. If, after having created any new Shares under the Powers of this Act, the Company resolve not to issue the same or any Portion thereof, they may cancel the new Shares to which such Resolution applies, and may from Time to Time thereafter create and issue in lieu thereof other new Shares, not exceeding in the aggregate the Amount of new Shares so cancelled: Provided always, that it shall not be lawful for the Company in any Year to make out of their Profits any larger Dividend on the new Shares created by virtue of this Act than Seven Pounds by the Year in respect of every One hundred Pounds actually paid on such new Shares, not being Preference Shares, or than Six Pounds by the Year in respect of every One hundred Pounds actually paid on such new Shares, being Preference Shares.

Receipt for Persons under Disability.

11. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot, Lunatic, or Person of unsound Mind, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder.

Power to borrow on Mortgage.

12. The Company may from Time to Time under the Powers of this Act borrow additional Sums of Money by Mortgage of their Undertaking, not exceeding in the whole Fifteen thousand Pounds, as follows; that is to say, not exceeding Five thousand Pounds when new Shares to the Amount of Twenty thousand Pounds shall have been subscribed for, and One Half the Amount thereof shall have been paid up; not exceeding the further Sum of Two thousand five hundred Pounds when new Shares to the further Amount of Ten thousand

Pounds

Pounds shall have been subscribed for, and One Half of the Amount thereof shall have been paid up; not exceeding the further Sum of Five thousand Pounds when new Shares to the further Amount of Twenty thousand Pounds shall have been subscribed for, and One Half the Amount thereof shall have been paid up; and not exceeding the further Sum of Two thousand five hundred Pounds when the Remainder of the new Shares shall have been subscribed for, and One Half the Amount thereof shall have been paid up; but no Monies shall be borrowed under the Powers of this Act until the Company shall prove to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the additional Capital which is by this Act for the Time being to be subscribed for before the raising of such borrowed Money has been subscribed for *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, and also that One Half of the Amount of such Capital has been paid up; and the Certificate of such Justice under that Section shall be sufficient Evidence that the said Facts have been proved.

Existing Mortgages to have Priority.

13. Provided always, That all Mortgages and Bonds granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages and Bonds have Priority over any Mortgages to be created by virtue of this Act; and that nothing herein contained shall destroy, prejudice, or affect the Right of the Company to raise the remaining unborrowed Sum of Two thousand one hundred and sixty Pounds by Mortgage or Bond under the Powers of the recited Act, and that whether before or after the Creation and Issue of any new Shares under the Authority of this Act.

Arrears may be enforced by the Appointment of a Receiver.

14. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Three thousand Pounds in the whole.

Debenture Stock may be issued.

15. The Company may create and issue Debenture Stock.

Application of Sums raised under this Act.

16. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares, or on Mortgage or Bonds, shall be applied only to the Purposes authorized by this Act and the recited Act.

Power to reduce the Number of Directors to Five, and Qualification of Directors and Auditors.

17. Notwithstanding anything contained in "The *Southampton* Gas Act, 1848," the Company may from Time to Time reduce the Number of Directors, so that such Number shall not at any Time be less than Five, and the Qualification of a Director shall be the Possession by him in his own Right of at least One thousand two hundred and fifty Pounds paid-up Capital of the Company; and notwithstanding anything contained in the said Act, any Person shall be capable of being an Auditor who shall be possessed in his own Right of at least Five hundred Pounds paid-up Capital of the Company.

Limits of Act.

18. The Limits within which the Company may supply Gas shall be extended to and include the several Parishes and Places following; (that is to say,) *North Stoneham*, *Bishopstoke*, *Chilworth*, *Nursling*, and *Eling*, all in the County of *Southampton*.

Company to make Map of Mains.

19. The Company shall within One Year after the passing of this Act make a Map of the District within the Borough of *Southampton* (exclusive of the Tything of *Portswood*) within which their main Gas Pipes then lie, on a Scale of not less than Six Inches to a Mile, and shall mark thereon the Line of all their then existing Mains, and shall once in every Year correct the Map and make such Additions thereto as will show the Line of all their Mains.

Custody and Inspection of Map.

20. Every Map so made by the Company, or a Copy thereof, with the Time when it was made or was last so corrected expressed thereon, shall be kept by the Company at their principal Office in the said Borough, and shall at all reasonable Times be open to the Inspection of the Corporation and their Officers respectively, who may take Copies or Extracts from the same; and the Secretary of the Company may charge and take the Sum of One Shilling for every Inspection of such Map, and the further Sum of Two Shillings and Sixpence for every Extract from a Copy taken of such Map.

Distance of Mains from Mains of Local Board.

21. All Mains, except Renewals of Mains which shall be hereafter laid down by the Company, shall, wherever practicable, be laid at a Distance of not less than Two Feet from any Mains laid for the Supply of Water.

Corporation to provide their own Lamps.

22. The Corporation at their own Expense may provide their own Lamps, and the Lamp Posts, Burners, Brackets, and Irons required for the same; and when the Gas in the public Lamps shall be consumed by Meter, may light and extinguish the Lamps and keep the same in good Repair and Condition, or may contract with any Person for providing and keeping in repair the Lamps, Lamp Posts, Burners, Brackets, and Irons, and for lighting and extinguishing the Lamps, or for any of those Purposes.

23. After

Regulating Supply of Gas and Price for public Lamps.

23. After the Expiration of any Contract for the Time being existing for the Supply of Gas to the public Lamps within the Borough of *Southampton*, the Company shall afford such Supply from any Main situated within Sixty Yards of any such Lamp within the Borough, excepting the Tything of *Portswood*, at a Price equal to the lowest Price for the Time being charged by the Company to any private Consumer; and the Company shall also at a like Rate supply Gas for public Clocks within the Borough, except as aforesaid.

Mode of consuming Gas supplied to public Lamps.

24. The Gas supplied to the public Lamps within the Borough of *Southampton* shall be consumed either by Meter or otherwise, at the Option of the Corporation, but the Company shall not at any Time require that Meters be provided and affixed at the Expense of the Corporation to more than One Lamp in every Ten Lamps then supplied with Gas within the Borough, exclusive of the Tything of *Portswood*.

For Settlement of Disputes between Corporation and Company.

25. If and whenever any Difference shall arise between the Company and the Corporation, either as to the Lamps to which Meters shall be attached, or as to the Mode or Places of attaching the same, or as to the Number or Description of the Meters, or as to the Registration or taking the Registration of the Meters, or as to the Meters to be used at the Lamps, or as to the Expense to be charged by or paid to the Company for lighting and extinguishing the Lamps, or as to the Quantity of Gas supplied to the Lamps, or with reference to any other Matter or Thing relating to the Supply of Gas to or the lighting of the public Lamps, the Subject in difference shall be settled by Arbitration under the Provisions in "The Lands Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration: Provided that upon any and every Arbitration as to the Quantity of Gas supplied to the public Lamps, whether in Conjunction or not with any other of the Matters aforesaid, and whether the Gas so supplied be or be not consumed by Meter, the Arbitrators or Umpire shall ascertain or estimate, as nearly as may be, the Quantity of Gas consumed or likely to be consumed by the public Lamps during the Period to which the Arbitration refers, and the Arbitrators or Umpire shall not fix or charge a higher Price for the Quantity of Gas so ascertained or estimated than after the Rate herein-before limited.

As to the Quality of Gas.

26. All the Gas supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, or other approved Burner and Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles of Six in the Pound,

Pound, burning One Hundred and Twenty Grains *per* Hour; and all Gas supplied by the Company shall be, as far as reasonably practicable, free from Ammonia or Sulphuretted Hydrogen and other Compounds deteriorating its Purity.

Experimental Meter to be provided.

27. The Company shall within Six Months after the passing of this Act cause to be erected in some convenient Part of their Works an experimental Meter so situated as to test all the Gas produced by the Company, and furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Power to Local Board of Health to test illuminating Power of Gas.

28. The Corporation from Time to Time may by Writing under the Hand of their Town Clerk appoint some competent Person to test the illuminating Power of the Gas, and the Person so appointed, on giving Twelve Hours previous Notice in Writing to the Company, may at any reasonable Hour in the Daytime, on producing his Authority and in the Presence of the Superintendent or other Officer of the Company, if he so require, and by means of the Testing Meter and other Apparatus by this Act required to be provided by the Company, test the illuminating Power of the Gas then flowing through the Mains of the Company, and the Company and their Officers and Servants shall afford all proper and sufficient Facilities for the testing.

Penalty for supplying Gas of inferior illuminating Power or Purity.

29. If and whenever it is proved to the Satisfaction of any Two Justices, not being Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not when so tested equal the illuminating Power by this Act prescribed, or that the Company or their Officers failed, on being thereunto reasonably requested, to afford the prescribed Facilities, or prevented or hindered the testing of the Gas, then and in any such Case the Company shall forfeit any Sum not exceeding Twenty Pounds as the Justices determine.

Costs of testing Gas to abide the Event.

30. In the event of any such Penalty being imposed on the Company, then the Costs of all Parties of and attending the Testing of the Gas, including the Remuneration to be paid to the Person so testing the Gas, and the Costs of the Proceedings before the Justices, shall be ascertained by the Justices, and shall be paid with the Penalty by the Company; but in the event of no such Penalty being imposed on the Company, then the Costs shall be ascertained by the Justices and shall be paid by the Corporation, and in either Event the Costs so ascertained shall be paid or levied accordingly.

31. The

Power to Company to purchase Works of Shirley and Freemantle Gas Company Limited.

31. The Company, with the Sanction of not less than Three Fifths of the Votes of the Shareholders of the Company, present personally or by proxy at any Special Meeting of the Company convened with Notice of this Object, may purchase, and the *Shirley and Freemantle* Gas Company Limited (herein-after called "the *Shirley* Company,") with the like Sanction of the Shareholders of that Company, may sell and transfer to the Company at or for such Sums of Money or other Consideration, and at or upon such Terms and Conditions as may be agreed upon, all the Undertakings of the *Shirley* Company (including all Gasworks, Lands, Buildings, Easements, Mains, Pipes, Meters, and other Works and Conveniences, Rights, Interests, Privileges, Goods, Chattels, and Effects, and all Claims or Demands whatsoever, of or to which the *Shirley* Company are for the Time being seised, possessed, or in anywise entitled at Law or in Equity).

Making certain Receipts valid.

32. A Receipt in Writing, under the Hands of any Three of the Directors for the Time being of the *Shirley* Company, or under the Common Seal of that Company, for any Monies or Shares payable or allotable to that Company in respect of such Transfer, shall be a sufficient Discharge to the Company for the Money or Shares therein expressed to be received, and from all Liability, Claims, and Demands in respect thereof.

Dissolution of Shirley Gas Company.

33. On the Completion of such Sale and Transfer as aforesaid, the *Shirley* Company shall be forthwith wound up and dissolved under the Joint Stock Companies Acts, as if the *Shirley* Company in General Meeting had passed a special Resolution requiring the Company to be wound up voluntarily, and the Monies and Shares paid or allotted to that Company as aforesaid, in addition to any other Monies belonging to or recoverable by that Company, shall be the Property of that Company, to be applied and distributed consequent on such Winding-up, pursuant to the said Acts.

Limiting Price of Gas.

34. The Price to be charged by the Company for Gas supplied to Persons who shall burn the same by Meter shall not exceed the following Rates; that is to say, within such Part of the Town and County of the Town of *Southampton* and the Liberties thereof as lies Southward of the Northern Boundary of the Road leading from the *Portswood Road* at *Spearhall* to the Avenue near the First Common Gate, and of a Line drawn from such Northern Boundary at its Junction with the *Portswood Road* aforesaid to the *Southampton and Netley* Railway at its Point of Junction with the *Priory Road*, and thence to High-water Mark of the River *Itchen*, (being a Portion of the Limits of the *Southampton* Gas Act, 1848,) Four Shillings and Sixpence per Thousand Cubic Feet, and within the Remainder of the Limits of the said Act Five Shillings *per* One thousand Cubic

Feet, and within the extended Limits defined in Section 18 of this Act Five Shillings and Sixpence *per* Thousand Cubic Feet.

For preventing fraudulent Consumption.

35. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Company, or shall fraudulently alter the Index to any Meter, shall forfeit to the Company a Sum not exceeding 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 or discontinue the Supply of Gas to or for the Use of the Person so offending, notwithstanding any Contract which may have been previously entered into.

Power to remove Pipes from unoccupied Premises.

36. Whenever any House, Building, or Premises, from which the Company are by "The Gasworks Clauses Act, 1847," authorized to cut off the Supply of Gas, shall be unoccupied, the Company, their Agents, Servants, and Workmen, after giving Twenty-four Hours previous Notice of their Intention to the Owner, by delivering Notice thereof to him, or leaving the same at his usual Place of Abode, or if the Place of Abode of such Owner be not known after due Inquiry, then, after affixing such Notice for Three Days previously on some conspicuous Part of such House, Building, or Premises, may enter into the same between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, Fittings, and other Works belonging to the Company.

Recovery of Money by Distress.

37. All Sums of Money due to the Company for the Supply of Gas, or for Coke, Tar, or other Materials supplied by the Company, or for the Hire or fixing of Meters or Fittings, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount of which shall not be disputed, may be levied by Distress, and any Justice, on Application, may issue his Warrant accordingly.

Several Names, &c. in One Warrant.

38. Any One Warrant issued for any of the Purposes of this Act may contain in the Body thereof or in a Schedule thereto several Names and several Sums.

Costs of Distress.

39. Any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for the Recovery of the Money to be levied shall be paid by the Person liable to pay such Money; and such Costs shall be ascertained by the Justice and shall be included in the Warrant of Distress for the Recovery of such Money.

Small Sums recoverable in County Courts.

40. Nothing in this Act or any Act incorporated herewith contained shall prevent the Company from recovering any Sum of Money

Money not exceeding Fifty Pounds due to them for the Supply of Gas, or for Coke, Tar, or other Materials supplied by the Company, or for the Sale, Hire, or fixing of Meters or Fittings, or for Damages, Costs, or Expenses by Action, or proceeding in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds; and no Judge of a County Court and no Justice shall be disqualified for acting by reason of his being liable to the Company for any Gas Rent, Meter Rent, or other Charge under this or the recited Act.

Expenses of Act.

41. All the Expenses of obtaining this Act, and in any way incidental thereto, shall be paid by the Company.

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