CHAPTER ci.

An Act to confer further powers on the Stourbridge Gas Company. [3rd July 1891.]

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WHEREAS the Stourbridge Gas Company (in this Act called the Company) have power under the Stourbridge Gas Act 1855 and other subsequent Acts for the supply of gas within a district which comprises— 18 & 19 Vict. c. xxxvii.

1. The townships of Stourbridge The Lye Upper Swinford Wollaston and Wollescote in the parish of Oldswinford and the parishes of Pedmore Hagley and Clent in the county of Worcester; and
2. Wordsley in the parish of Kingswinford in the county of Stafford and the hamlet of Amblecote in that part of the parish of Oldswinford which is situate in the county of Stafford:

And whereas the works of the Company are situate in the aforesaid hamlet of Amblecote and in order to meet the demands of their customers the Company purchased by agreement a certain piece of land situate in the said hamlet and adjoining their works and have reconstructed and extended their works over the same in the belief that their statutory powers enabled them so to do But the Company are prohibited under the said Acts from using any lands for the purpose of manufacturing gas or residual products except certain lands particularly described in the schedules to the Stourbridge Gas Act 1855 and the Stourbridge Gas Amendment Act 1879 and it is expedient that the purchase of the said land by the Company and the construction and extension of their gasworks over the same should be confirmed:

And whereas the district of the Company adjoins the district of the Brierley Hill District Gas Light Company (hereinafter called the Brierley Hill Company) and doubts having arisen with regard to the description of their respective districts in the Acts relating to the Company and the Brierley Hill Company as to the exact position of

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the boundary between their districts and with the object of settling such doubts and defining their respective districts the two Companies have entered into an agreement of which a copy is set forth in the Second Schedule to this Act it is expedient that the said agreement should be confirmed:

And whereas it is expedient that the existing provisions of the Company's Acts with regard to the price which they may charge for gas and the dividend to be paid by them should be modified as in this Act provided:

18 & 19 Vict. c. xxxvii.

And whereas by section 27 of the Stourbridge Gas Act 1855 it is among other things provided that the maximum price at which gas shall be supplied to the Commissioners of the town of Stourbridge or to the trustees of such of the turnpike roads leading through or into the said town of Stourbridge as traverse the district of the Company in respect of any public lamps of the then existing size including the costs of the necessary pillars shall not exceed two pounds in respect of each such public lamp if lighted for nine months in the year and two pounds and ten shillings in respect of each such lamp if lighted for twelve months in the year and it is reasonable and expedient that the said section should be repealed and other provisions made instead thereof:

And whereas the objects aforesaid cannot be attained 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 Stourbridge Gas Act 1891.

Interpretation.

2. In this Act the expression "existing Acts" means and includes the following Acts The Stourbridge Gas Act 1855 the Stourbridge Gas (Amendment) Act 1866 the Stourbridge Extension Gas Order 1871 and the Stourbridge Gas Amendment Act 1879 The expressions "the Act of 1855" and "the Act of 1879" mean respectively the Stourbridge Gas Act 1855 and the Stourbridge Gas Amendment Act 1879.

Application of Gasworks Clauses Act 1871.

3. So much of any of the existing Acts as provides for the exception of any of the provisions of the Gasworks Clauses Act 1871 is hereby repealed and as from the passing of this Act the provisions of the said Act of 1871 shall extend and apply to the undertaking of the Company.

Quality of gas.

4. The prescribed number of candles shall be fifteen and section 30 of the Act of 1879 is repealed.

5. The testing place shall be the existing testing place provided by the Company at their existing gasworks.

Testing place.

6. The prescribed burner shall be Sugg's London Argand Burner No. 1 consuming five cubic feet of gas per hour with a six inch by one and three-quarter inch glass chimney outside measure but if at any time the gas flame rises above the top of that glass a six-inch by two-inch chimney outside measure shall be used or any other burner or chimney approved for this purpose by the Board of Trade and section 31 of the Act of 1879 is repealed.

Burner.

7. The purchase by the Company of the land described in the First Schedule to this Act is hereby authorised and confirmed and it shall be lawful for the Company whilst they are possessed of the said land to maintain and continue their existing works thereon and from time to time to alter and enlarge their works thereon and to use or otherwise deal with the said land in all respects as they are entitled to use and deal with the land described in the schedules to the Acts of 1855 and 1879.

Purchase of land confirmed.

8. The agreement between the Company and the Brierley Hill Company a copy of which is set out in the Second Schedule to this Act is hereby confirmed and shall be of full force and effect and the boundary between the district of the Company and the district of the said Brierley Hill Company shall be as specified in the said agreement.

Confirmation of agreement with Brierley Hill Gas Company.

9. The provisions of the existing Acts relating to the price to be charged by the Company for gas supplied for private purposes and the dividend to be paid by the Company shall be modified as hereinafter expressed :—

As to dividend of Company.

As from and after the 1st day of January 1892 and notwithstanding anything contained in any of the existing Acts the profits of the Company to be divided amongst the ordinary shareholders in any year shall not except as by this Act provided exceed the following rates (which are in this Act referred to as "the standard rates of dividend") :—

On the capital of fifteen thousand pounds created under the Act of 1855 :	The rate of ten pounds in respect of every one hundred pounds :
On the sum of twelve thousand pounds additional capital created under the Stourbridge Gas (Amendment) Act 1866 :	The rate of seven pounds ten shillings in respect of every one hundred pounds :

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On the sum of fifty thousand pounds additional capital authorised by the Act of 1879.	The rate of seven pounds in respect of every one hundred pounds of ordinary capital and the rate of six pounds in respect of every one hundred pounds of preference capital.

Dividend to depend on price charged.

10. The standard price to be charged by the Company for gas supplied by them shall be three shillings and twopence per thousand cubic feet :

Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary share capital or stock as follows :—

In respect of any year during which the price charged by the Company shall have been one penny or more above the standard price the dividend payable by the Company shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds :

And in respect of any year during which the price charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds The rate of dividend prescribed by this section is hereinafter referred to as the authorised rate.

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

11. In case in any half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the authorised rate on each class of ordinary stock or shares in the capital of the Company the same shall until the class of shareholders entitled to the lowest rate of dividend has been paid in full be divided equally and rateably among the proprietors of ordinary shares and stock.

If profits exceed the amount limited excess may be invested and form an

12. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend on the ordinary capital at the authorised rate the excess beyond the sum necessary for that purpose may from time to time to the extent of one per

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centum per annum upon the paid-up capital of the Company be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth of the paid-up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident strikes or other circumstances which in the opinion of a justice due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

insurance fund.

13. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend on the ordinary capital at the authorised rate the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Application of excess of profits over authorised rate of dividend.

14. Where in any year the dividend of the Company on the ordinary capital of the Company shall exceed the standard rate by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Company existing at the passing of this Act may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called " the reserve fund " and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividend at the authorised rate on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

Power to create a reserve fund out of dividends in excess of the standard rate of dividend and application thereof.

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As to public lamps.

15. Section 27 of the Act of 1855 is hereby repealed and instead thereof the following provisions shall have effect (that is to say):—

(i.) Unless and until otherwise agreed in writing under their respective common seals between the Stourbridge Improvement Commissioners and the Company the ordinary public lamps of the district for the time being under the control of the said Commissioners shall be supplied by the Company at their own cost with properly governed batswing or fishtail burners which shall pass five cubic feet of gas per hour and the Company shall supply the same with gas at a charge of two pounds for each lamp so supplied if lighted during nine months in the year for every night less forty-five nights or at a charge of two pounds five shillings for each lamp so supplied if lighted for every night during nine months If the Commissioners at any time desire to extend the period of lighting for a longer time than nine months consecutively then the Commissioners may once in each year give notice thereof to the Company who shall supply the same lamps with gas for the extended period required by the Commissioners and the Commissioners shall pay the Company a proportionate increase in price for each public lamp so lighted of the ordinary size for such extended period.

(ii.) Unless and until otherwise agreed between the rural sanitary authority of the Stourbridge Union and the Company the ordinary public lamps of the district for the time being under the control of the said authority shall be supplied by the Company at their own cost with properly governed batswing or fishtail burners which shall pass five cubic feet of gas per hour and the Company shall supply the same with gas at a charge of two pounds ten shillings for each lamp so supplied if lighted for nine months in the year and if the said rural sanitary authority at any time desire to extend the period of lighting for a longer period than nine months then the rural sanitary authority shall give notice thereof to the Company and shall pay the Company the proportionate increase in price for each public lamp so lighted of the ordinary size for such extended period.

(iii.) The Company shall for the several payments aforesaid provide the ordinary public lamps burning the quantity of gas aforesaid in the district of each such local authority and furnish and keep them furnished with all necessary and suitable columns burners pipes glass and fittings and shall light and extinguish such lamps and substantially and properly maintain repair and clean the same provided always that the time of lighting and extinguishing such public lamps in each

such district as aforesaid shall be as follows The time of lighting to be one hour after sunset and the time of extinguishing one hour before sunrise.

(iv.) Any of the provisions of this section may from time to time be modified by agreement between the Company and the said Commissioners or the said rural sanitary authority as the case may be under their respective common seals.

(v.) If any dispute shall arise between the Company and the local authorities aforesaid or either of them touching the matters aforesaid such dispute shall be settled by arbitration in manner provided by section 27 of the Gasworks Clauses Act 1871.

As to purchase.

16.—(i.) If at any time within the period of five years next after the 1st day of January 1892 the Stourbridge Improvement Commissioners desire to purchase the whole of the undertaking and the property rights and privileges of the Company either alone or in conjunction with the rural sanitary authority having jurisdiction over the ancient parish of Oldswinford in the counties of Worcester and Stafford and of such their desire shall give to the Company six months' previous notice in writing then and in such case the Company shall sell their undertaking to the Stourbridge Improvement Commissioners or to those Commissioners and the rural sanitary authority aforesaid or to any joint Board constituted of the said two authorities as such notice may require at a price to be settled by agreement or in case of dispute in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the settlement of disputed compensation by arbitration and the provisions of the Stourbridge Gas Act 1855 incidental to the purchase of the said undertaking shall extend and apply to such purchase Provided always that the word "undertaking" shall be held to include the whole of the undertaking property rights powers and privileges of the Company as the same exist at the date of the delivery of such notice and that the authority or authorities so purchasing shall undertake all the obligations of the Company in regard to supply and otherwise on and from the completion of the purchase Nevertheless the Company shall carry on the gasworks and business of the Company in their ordinary and usual course and do all such acts matters and things as are incident thereto and such as shall be convenient and connected therewith until the actual completion of the purchase and the taking over of the works by the purchasers.

(ii.) Provided that in fixing the purchase money to be paid for the undertaking any increase of dividend under the sliding scale by this Act authorised during the said period of five years shall not be taken into account in estimating or fixing such purchase

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money Nor shall any premium be claimed by the Company on any money forming part of the insurance or reserve funds by this Act authorised.

(iii.) Notwithstanding anything in section 31 of the Act of 1855 it shall not after the expiration of the said period of five years be lawful for the Commissioners alone or in conjunction with the rural sanitary authority or for any such Board as aforesaid to purchase the undertaking property and powers of the Company otherwise than by agreement.

Saving of existing contracts.

17. Nothing in this Act contained shall alter vary or affect any contract or agreement duly made or any liability incurred before the commencement of this Act.

Costs of Act.

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

SCHEDULES referred to in the foregoing Act. A.D. 1891.

THE FIRST SCHEDULE.

A piece of land situate in the hamlet of Amblecote in that part of the parish of Oldswinford which lies in the county of Stafford bounded on the north south and east by lands of or reputed to belong to the trustees of the late Earl of Stamford and Warrington and on the west by lands and gasworks of the Company.

THE SECOND SCHEDULE.

THIS INDENTURE made the 21st day of June 1886 between THE BRIERLEY HILL DISTRICT GAS LIGHT COMPANY of the one part and THE STOURBRIDGE GAS COMPANY of the other part.

WHEREAS by an Act of Parliament made and passed in the 28th year of the reign of Her present Majesty Queen Victoria intituled "An Act for better "lighting with gas the district of Brierley Hill and certain parishes and places "adjacent thereto in the counties of Stafford and Worcester" (the short title of which Act is "Brierley Hill Gas Act 1865") the Brierley Hill District Gas Light Company incorporated by such Act were authorised to supply gas to certain places in the said Act mentioned and it was by section 6 of the said Act enacted that the limits of such Act for the supply of gas by the Company should comprise and include the parish of Kingswinford (except the township of Wordsley) Himley and Wombourn in the county of Stafford and that portion of the town and district of Hartshill which lies in the parish of Dudley in the county of Worcester and extends from the boundary of the parish of Kingswinford to the Reindeer Inn on the east and the Earl of Dudley's Canal on the south AND WHEREAS by an Act of Parliament made and passed in the 18th year of the reign of Her present Majesty intituled "An Act to incorporate the Stourbridge "Gas Company and to enable them to light with gas the town of Stourbridge "in Worcestershire and other places" (the short title of which Act is "the Stourbridge Gas Act 1855") The Stourbridge Gas Company incorporated by such Act were authorised to supply gas to certain places in the said Act mentioned and it was by section 2 of the said Act enacted that the limits of such Act for the supply of gas by the said Stourbridge Gas Company should comprise the several townships of Stourbridge The Lye Upper Swinford Wollaston and Wollescote in the parish of Oldswinford in the county of Worcester and the parish of Pedmore in the said county of Worcester the hamlet of Amblecote in that part of the parish of Oldswinford which is in the county of Stafford and Wordsley in the parish of Kingswinford in the said county of Stafford AND WHEREAS doubts have arisen with respect to the extent of the area or district excepted from the said limits prescribed by and specified in the Brierley Hill Gas Act 1865 under the description of "the township of Wordsley" and with respect to the extent

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of the area or district comprised within the said limits prescribed by and specified in the Stourbridge Gas Act 1855 under the description of Wordsley in the parish of Kingswinford And Whereas for the purpose of obviating the inconveniences arising from the aforesaid doubts and in order to prevent determine and settle all disputes and differences between the said Brierley Hill District Gas Light Company and the said Stourbridge Gas Company in respect of the premises it has been agreed that the said respective companies shall enter into and make the agreement and declarations hereinafter contained Now this Indenture Witnesseth and it is hereby agreed and declared as follows:—

1. The area or district comprised in or indicated by the words "the township of Wordsley" in section 6 of the Brierley Hill Gas Act 1865 and the area or district comprised in or indicated by the words "Wordsley" in the parish of Kingswinford in section 2 of the Stourbridge Gas Act 1855 shall for the purposes of these presents be deemed to be co-extensive with each other in all respects and to be the highway district of Wordsley in the county of Stafford as the same is delineated in the map hereunto annexed and therein coloured or encircled within the colour pink and the aforesaid sections of the Brierley Hill Gas Act 1865 and the Stourbridge Gas Act 1855 shall be so read and construed accordingly.

2. If and wherever a road lies between the area or district to be supplied by one of the said Companies and the area or district to be supplied by the other of them a line drawn along the middle of such road shall be considered to be the boundary between the areas or districts to be supplied by the respective Companies and the half of such road next adjacent to the area or district to be supplied by either of the said Companies shall be considered as comprised within the area or district to which it is next adjacent.

3. All mains services or branch pipes gas lamps and other works and apparatus which shall have been either completely or in part laid down erected constructed or made by either of the said Companies in through under or upon the lands determined by these presents to be within the area or district to be supplied by the other of the said Companies shall within two months after the execution of these presents be removed by the Company which shall have so laid down erected constructed or made the same and if such Company shall neglect or refuse to remove the same it shall be lawful for the other of the said Companies after the expiration of the said period to take and retain possession thereof without making any satisfaction in respect thereof to the Company so neglecting or refusing as aforesaid and no new or other mains services or branch pipes gas lamps or other works or apparatus shall at any time hereafter be laid down erected constructed or made by either of the said Companies within the area or district to be supplied by the other of them.

4. Subject as aforesaid neither of the said Companies shall disturb interfere with or damage the works and apparatus of the other of them and in case either of the said Companies shall do so such Company shall at its own expense make good all such damage and restore such works and apparatus under the superintendence and to the satisfaction of the surveyor engineer or agent of the other of the said Companies.

5. Neither of the said Companies shall do or concur in doing anything which may directly or indirectly interrupt interfere with or in any way disturb the exclusive exercise and enjoyment by the other of the said Companies within the area or district to be supplied by such other of the said Companies of any of the rights powers and privileges conferred by Parliament on such other of the said Companies.

6. If and whenever either Company shall hereafter whilst these presents are in operation go to Parliament for any purpose in respect to their undertaking such Company first going to Parliament shall at their own expense procure the necessary clause or clauses to be inserted in their Act to confirm these presents and the arrangement hereby made Provided always that either Company shall be at liberty at any time to obtain an Act of Parliament at their own expense to confirm these presents and the arrangement hereby made.

7. The costs and expenses of and incidental to the preparation approval and execution of these presents shall be borne and paid by the said Companies in equal shares.

In Witness whereof the said Brierley Hill District Gas Light Company and the said Stourbridge Gas Company have hereunto caused their respective common seals to be affixed the day and year first above written.

Edwin Cook
Chairman
Brierley Hill District Gas
Light Company.

L.S.

Robert Thurston
Chairman.

L.S.

The common seal of the Stourbridge Gas Company was affixed hereto in the presence of their Chairman Robert Thurston and countersigned by him in the presence of

H. D. Holloway
Secretary to the
Stourbridge Gas Company.

The common seal of the Brierley Hill District Gas Light Company was affixed hereto in the presence of their Chairman Edwin Cook and countersigned by him in the presence of

Henry M. Jackson
Secretary to the
Brierley Hill District Gas Light Company.

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