CHAPTER xcix.

An Act to enlarge the Powers of the Stourbridge Gas Company. [3d July 1879.]

A.D. 1879.

WHEREAS by the Stourbridge Gas Act, 1855, (herein referred to as "the Act of 1855,") the Stourbridge Gas Company were incorporated for the purpose of supplying gas within the several townships and places in section two of that Act specifically mentioned: 18 & 19 Vict. c. xxxvii.

And whereas the Act of 1855 was by the Stourbridge Gas (Amendment) Act, 1866, (herein referred to as "the Act of 1866,") in some respects amended, and by the said last-mentioned Act further powers were conferred upon the Company: 29 & 30 Vict. c. xxxii.

And whereas the capital of the Company consists of fifteen thousand pounds raised under the Act of 1855, and of twelve thousand pounds raised under the Act of 1866:

And whereas the whole of such capital has been raised and expended, and the Company have in respect thereof borrowed and now owe one thousand pounds:

And whereas the Company were by the Stourbridge Extension Gas Order, 1871, (herein referred to as "the Order of 1871,") authorised to light with gas the parish of Hagley, in the county of Worcester: 34 & 35 Vict. c. cxliv.

And whereas it is expedient that the Company should be empowered to raise additional capital and to extend their limits of supply as by this Act provided:

And whereas it is expedient that the Company should be authorised to acquire certain hereditaments and premises in the hamlet of Amblecote with the view of constructing gasworks thereon:

And whereas it is expedient that the Company should be empowered to acquire and to exercise patent rights and licenses with respect to gas:

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And whereas a plan showing the lands so sought as aforesaid to be acquired by the Company, with a book of reference thereto containing the names of the owners, lessee, and occupier, were in November last deposited for public inspection with the clerk of the peace for the county of Stafford, at his office in Stafford, which plan and book of reference are in this Act referred to as the deposited plan and book of reference:

And whereas the objects aforesaid cannot be accomplished 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 Amendment Act, 1879.

Construction of Act.

2. The recited Acts, together with the Act confirming the said Order of 1871 (as respectively amended by any subsequent Act or by this Act), and this Act, shall be read and have effect together as one Act.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
34 & 35 Vict. c. 41.

3. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are (except where expressly varied by this Act) incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, (excepting so much of that Act as relates to accounts,) shall extend and apply to the undertaking of the Company as if the same were hereby authorised.

Incorporating certain provisions of 8 & 9 Vict. c. 16.

4. Subject to the provisions of this Act, the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, are incorporated with this Act, and shall extend and apply to the Company and to the additional capital which they are by this Act authorised to raise. A.D. 1879. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

Interpretation of terms.

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction, and the expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated with this Act, shall, for the purposes of this Act, be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Extension of limits to parish of Clent.

6. The parish of Clent, in the county of Worcester, shall, from and after the passing of this Act, be included within the limits within which the Company may supply gas, and for the purposes of such supply the provisions of the before-mentioned Order of 1871 shall extend and apply to the said parish of Clent as if they had been enacted in this Act with reference to that parish.

Power to Company to raise additional capital.

7. The Company may from time to time raise (in addition to their present capital) any further sums, not exceeding in the whole fifty thousand pounds, by the creation and issue of new ordinary shares or stock or new preference shares or stock, or wholly or partly by any one or more of those modes; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any such share vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock, together with any premium obtained upon the sale thereof, shall have been paid in respect thereof: Provided always, that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than thirty thousand pounds, or within any subsequent year ten thousand pounds.

New shares or stock to be subject to same incidents as existing shares or stock.

8. Except as by this Act expressly provided, the capital in new shares or stock created by the Company under the powers of this Act, and the new shares or stock therein and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing capital of

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the Company, of the same class or description, and the new shares or stock were shares or stock in that capital.

Votes in respect of preferential shares or stock.

9. Except as expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Limit of dividends on new capital.

10. The Company shall not in any year pay out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

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

11. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the maximum rate of dividend to which each class of ordinary stock or shares in the capital of the Company is entitled, the same, until the class bearing the lowest rate of dividend has been paid its maximum rate, shall be divided equally and rateably amongst the holders of each class of ordinary shares or stock.

New shares or stock to be offered for sale by auction or tender.

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

Purchase money to be paid within three months.

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

Notice to be given as to sale of shares or stock.

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

Shares or stock not sold by auction or tender to be offered to holders of shares or stock.

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

Application of premium arising on issue of shares or stock.

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

Power to borrow on mortgage.

17. The Company may from time to time, under and subject to the provisions of this Act, borrow on mortgage any sum or sums not exceeding in the whole twelve thousand five hundred pounds; provided that in respect of every four thousand pounds of such additional capital issued and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding in the whole one thousand pounds; but no part of any of the before-mentioned sums of one thousand pounds shall be borrowed until shares for so much of the portion of capital in respect of which such borrowing powers are exercised as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies

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Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the portion of capital in respect of which such borrowing powers are exercised as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also as to so much of such portion of capital as is raised by shares that such persons or corporations, or 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 certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

18. 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 the shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Debenture stock.

19. 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and such interest shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts.

20. 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 engagements entered 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 or dividend on their mortgages or debenture stock, nor shall anything herein-before contained affect any claim for land taken, used, or occupied by the Company for the purposes of their works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Priority of existing mortgages.

21. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages and bonds, and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted, have priority over any mortgages granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

22. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act and for the general purposes of the Company.

Power to take certain lands.

23. Subject to the provisions of this Act, the Company may enter upon, take, hold, and use the lands and hereditaments shown on the deposited plan and described in the deposited book of reference.

Power to take additional lands.

24. The Company may, in addition to the lands which they are by this Act empowered to acquire, take by agreement any lands which they may require for the purposes of their undertaking, not exceeding in the whole five acres; but no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Power to erect and maintain gas-works and manufacture and store gas on scheduled lands.

25. Subject to the provisions of this Act, the Company may from time to time on the lands described in the schedule to this Act, or any part thereof respectively, erect, make, maintain, alter, enlarge, connect, or discontinue retorts, gas holders, receivers, meters, apparatus, and works for the manufacture and storing of gas, together with all necessary and proper communications, roads, approaches, offices, and conveniences, and may manufacture, store, and supply gas accordingly, and may manufacture, sell, provide,

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supply, and deal in coke, tar, pitch, asphaltum, ammoniacal liquor, and all other products and residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, stoves, and other articles, matters, and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit: Provided always, that the Company shall not erect, make, or maintain any such works as aforesaid, or any works whatever, on that part of the branch canal which is striped pink, and coloured pink on the deposited plan, and which adjoins the works known as "The Mersey Wheel and Axletree Works;" and all the provisions with reference to such branch canal contained in a conveyance by the West Midland Railway Company to William Watkin, Esquire, dated the thirty-first day of December one thousand eight hundred and sixty-one, shall continue as operative and binding as if this Act had not passed.

As to deposit and removal of certain cinders, &c.

26. Notwithstanding the passing of this Act, or anything in this Act or in the said conveyance contained, the Great Western Railway Company shall not be required and shall not be under any obligation (unless otherwise agreed between that company and the Company) to allow to be deposited on or to remove and take away from the land crossed pink on the deposited plan, anything but cinders and ashes made at the works established or to be established on the site of the New Mill and premises described in the beforementioned conveyance.

Conveyance not to be affected by Act.

27. Except as by this Act specially provided, nothing herein contained shall in anywise alter or affect any of the provisions or covenants contained in the said conveyance.

Period for compulsory purchase of lands.

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing thereof.

Pressure of gas.

29. 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.

30. The prescribed number of candles shall be fourteen.

Burner.

31. The prescribed burner shall be the burner mentioned in sections eleven and twelve of the Act of 1866; and, notwithstanding anything in the Gasworks Clauses Act, 1871, to the contrary contained, and except as herein otherwise provided, sections eleven, twelve, thirteen, and fourteen of the Act of 1866 shall extend and apply to this Act and to the undertaking of the Company as if the same were in this Act expressly enacted.

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

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

Power to take licenses.

33. The Company may, subject to the provisions of this Act, (but only for the purposes of the Company within the limits of their district, and not so as to acquire any exclusive right therein,) contract for, take, and use any leave, license, or authority to work, use, exercise, and put in practice any invention under 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, production, and distribution of light by means of gas, or the conversion, manufacture, or utilisation of any products obtainable in or arising from such manufacture or production, or from the materials used therein.

Expenses of Act.

34. All the costs, charges, and expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company.

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SCHEDULE referred to in the foregoing Act.

Part I.

Lands belonging or claimed to belong to the Company at the passing of this Act, and being 2 acres 5 poles or thereabouts in extent, situate in the hamlet of Amblecote, and which said land and premises are bounded by the turnpike road leading from Stourbridge to Dudley, the school and premises belonging or claimed to belong to the Earl of Stamford and Warrington or to Thomas Hill, Esquire, and which school and premises are in the occupation of the Amblecote Church School Committee or their under-tenants, the Amblecote Churchyard, other lands belonging to the said Earl of Stamford and Warrington, or the feoffees of the Old Swinford Blue Coat School, and an occupation road leading thereto on all or most parts or sides thereof.

Part II.

Lands being those which the Company may acquire under this Act, and being 3 roods and 9 poles or thereabouts in extent.

Certain lands and hereditaments, wharves, and premises situate at Amblecote, in that part of the parish of Old Swinford which lies in the county of Stafford, and called or known as "The Mersey Wheel and Axletree Works," bounded as follows:—On the north by land covered with water, being a branch canal belonging or claimed to belong partly to the Gas Company and in other part to the Great Western Railway Company; on the south by land belonging or claimed to belong to the Great Western Railway Company: on the east by land belonging to the Great Western Railway Company; and on the west by the turnpike road leading from Stourbridge to Dudley.

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