CHAPTER clxiii.

An Act to confer further powers upon the Isle of Thanet Gaslight and Coke Company; and for other purposes. A.D. 1877.

[2d August 1877.]

WHEREAS by an Act of Parliament passed in the fifth year of the reign of his late Majesty King George the Fourth, and intituled "An Act for lighting with gas the towns or villages of "Margate, Ramsgate, and Broadstairs, and places adjacent in "the county of Kent," (and herein-after called "the recited Act,") the Isle of Thanet Gaslight and Coke Company (herein-after called "the Company") were incorporated, and were (amongst other things) authorised to manufacture and supply gas within the limits by the recited Act prescribed: 5 G. 4. c. lxxv.

And whereas by the recited Act the Company were authorised to raise in share capital twenty thousand pounds, or if that amount should be found insufficient, a further sum of four thousand pounds:

And whereas the Company have raised and issued and expended the whole of their authorised share capital, and in addition thereto have expended out of the profits of their undertaking large sums of money, amounting in the whole to the sum of forty-eight thousand pounds and upwards, upon the general improvement and extension of their undertaking, and have not up to the present time received any return whatever from the large amount so expended:

And whereas the Company have no mortgage debt:

And whereas the Company have sold that portion of their undertaking which is situate in Ramsgate and St. Lawrence to the Local Board of the district of Ramsgate (herein-after called "the Local Board") in accordance with the provisions of the Ramsgate Local Board Act, 1877, which portion so sold as aforesaid constitutes, as nearly as can be ascertained, one half of their whole undertaking:

And whereas it is expedient that in respect of the sum of twenty-four thousand pounds (being one half of the said sum of forty-eight thousand pounds) the Company should be permitted to treat

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the sum of sixteen thousand pounds as fully paid-up capital, and to pay a dividend thereon:

And whereas it is expedient that with respect to the capital of the Company the sum of twelve thousand pounds (being one half of the said authorised share capital of twenty-four thousand pounds) and the said sum of sixteen thousand pounds should be consolidated and treated as one sum of twenty-eight thousand pounds capital stock:

And whereas the demand for gas within such parts of the Company's authorised limits of supply as are now supplied by them with gas has greatly increased and is increasing, and it is expedient in order to meet such demands that the Company should be empowered to raise additional capital for the purpose of their undertaking at Margate, and that such further and other provisions as are in this Act contained should be made with reference thereto:

And whereas the Company are not at present subject to any restrictions or control as to the dividends paid to their shareholders, the price to be paid by the consumer for gas supplied, or the illuminating power of such gas, and it is expedient that in regard to these and other matters the Company should be subject to the powers, regulations, and restrictions of the several statutes incorporated in and by this Act:

And whereas it is expedient that the Company be empowered to acquire additional lands by agreement:

And whereas the several objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

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

Interpretation of terms.

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

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

The expression "the undertaking of the Company" shall mean the undertaking of the Company as existing previous to the passing of this Act, exclusive of so much thereof as is situate in the parishes of Ramsgate and St. Lawrence:

The expressions "superior courts" or "courts of competent jurisdiction," or any other like expression in this Act or any other Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Provisions of general Acts herein named incorporated.

3. The Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, are (save where expressly varied or excepted by this Act) incorporated with and form part of this Act, and shall apply to the Company's undertaking, land, works, buildings, and erections under the recited Act as well as to those under this Act.

Provisions of other general Acts herein named incorporated.

4. The Lands Clauses Consolidation Acts, 1845, (except the clauses and provisions of that Act with respect to the entry upon, purchase, and taking of lands otherwise than by agreement,) 1860, and 1869, The Companies Clauses Consolidation Act, 1845, and Part I. (relating to the cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of The Companies Clauses Act, 1863, as amended by The Companies Clauses Act, 1869, are (save where expressly varied or excepted by this Act) incorporated with and form part of this Act: Provided always, that whenever the provisions of the recited Act conflict with the provisions of any of the several Acts incorporated herewith, the provisions of the said incorporated Acts shall prevail.

Consolidation of capital.

5. Within a period of six calendar months after the passing of this Act the Company shall call in and cancel the existing shares of the Company, and in lieu thereof the Company shall create stock of the Company, to be called Margate Consolidated Stock, to the amount of twenty-eight thousand pounds, and shall issue and distribute the same, as soon as created, as fully paid-up stock to and among the shareholders of the Company in proportion to the shares of the Company held by each shareholder.

Profits of Company limited.

6. The profits of the Company to be divided among the shareholders in any year shall not, except as in this Act is otherwise provided, exceed the rate of seven pounds per centum per annum either upon the Margate consolidated stock of twenty-eight thousand pounds or upon shares of the additional capital by this Act authorised to be raised (which rate is in this Act referred to as the standard rate of dividend).

If profits exceed the amount limited

7. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to make up the standard rate of dividend, the excess beyond the sum necessary

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excess to be invested and form an insurance fund.

for such purpose shall from time to time to the extent of one pound per 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 or demand which may at any time arise against the Company from accident which due prudence 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.

Application of excess of profits over standard rate of dividend.

8. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to make up the standard rate of dividend, and to form or make up the insurance fund by this Act authorised, the excess shall (subject to the provisions of this Act respecting the reserve fund) be carried to the credit of the divisible profits of such undertaking for the next following year.

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

9. Where in any year the amount of the standard rate of dividend of the Company shall by reason of a diminution of the standard price charged by the Company in such year be increased, then out of the amount of the divisible profits of the Company applicable to the payment of such increase the Company may in such year set apart such sum as they shall think fit.

Application of reserve fund.

10. All sums (if any) so set apart by the Company 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 standard rate of dividend; and, save as in this Act otherwise provided, no sum shall in any year be carried by the Company to any reserve fund.

Additional capital.

11. The Company may, subject to the provisions of Part II. of The Companies Clauses Act, 1863, raise any additional capital, not exceeding in the whole sixteen thousand pounds, by the issue of six hundred and forty shares of twenty-five pounds each, to be called New Shares.

New shares to be offered by auction or tender.

12. Notwithstanding anything in this Act contained, the Company shall, when any new shares are to be issued, and before offering the same to the holder of any consolidated stock or of new shares in the Company, and whether the consolidated stock or the new shares of the Company, or either of them, 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 the reserved price put upon such new shares 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 in the event of any holder of consolidated stock or new shares in the Company bidding or tendering for any such new shares a sum equal in amount to the bid or tender of any other person not being a holder of consolidated stock or new shares in the Company, then and in that case only a priority shall be allowed to such holder of consolidated stock or new shares in the Company.

As to notice to be given as to sale, &c. of new shares.

13. The intention to sell any such new shares by auction or by tender shall be communicated in writing to the town clerk of Margate 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 circulating within the borough of Margate.

New shares not sold by auction or by tender to be offered to shareholders.

14. When any new shares have been offered for sale by auction or by 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 the consolidated stock or new shares of the Company in manner provided by The Companies Clauses Act, 1863; Provided always, that any new shares 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

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provisions of this Act with respect to the sale of new shares created under the powers of this Act.

Application of premium arising on issue of new shares.

15. Any sum of money which shall arise from the issue of any such new shares 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.

New shares not to issue until one fifth paid up.

16. The Company shall not issue any of the said new shares, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such new share shall have been paid in respect thereof.

Calls.

17. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow in respect of consolidated stock.

18. The Company may from time to time borrow on mortgage, in respect of the consolidated stock of twenty-eight thousand pounds by this Act authorised to be created, any sum or sums not exceeding in the whole seven thousand pounds.

Power to borrow in respect of additional capital.

19. The Company may from time to time borrow on mortgage, in respect of the additional capital of sixteen thousand pounds by this Act authorised to be raised, any sums not exceeding in the whole four thousand pounds, but no part thereof shall be borrowed until the whole of such additional capital is issued and accepted, and one half of such additional capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of The Companies Clauses Consolidation Act, 1845, (before he so certifies,) that shares for the whole of such additional capital have been issued and accepted, and that one half of such additional capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and the Company have proved to such justice as aforesaid (before he so certifies) that such shares 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 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.

Arrears may be enforced by appointment of a receiver.

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

As to conversion of borrowed money into capital.

21. 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.

Priority of mortgages over other debts.

22. All money raised or 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 rent-charge granted or to be granted by them in pursuance of The Lands Clauses Consolidation Act, 1845, or The Lands Clauses Consolidation Acts Amendment Acts, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Power to create debenture stock.

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

Application of moneys.

24. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes only of the recited Act and this Act.

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

25. The Company may for the purposes of their undertaking purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the schedule to this Act, any lands and hereditaments, not exceeding in the whole three acres, which the Company may from time to time require for the purposes of their works and undertaking, but no land 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.

Fixing standard price of gas with sliding scale as to dividend.

26. The standard price to be charged by the Company for gas supplied by them within the limits of their undertaking shall be four shillings and twopence per one thousand cubic feet: Provided that the Company may increase or diminish such standard price, subject to a decrease or increase in the standard rate of dividend as defined by this Act, to be calculated as follows:

For every penny charged in excess or in diminution of such standard price in any year, the standard rate of dividend shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

Pressure of gas.

27. All gas supplied by the Company to any consumer of gas within the limits of their undertaking 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 penalities, 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.

28. The prescribed number of candles shall be fourteen.

Testing place.

29. Within twelve months from the passing of this Act a testing place shall be provided at the Margate works of the Company.

Burner.

30. The prescribed burner shall be any burner for the time being approved for this purpose by the Board of Trade, or if there be no such burner, then Sugg's London Argand burner, Number One, with a six-inch by one-and-three-quarter-inch glass chimney, but if at any time the gas flame tails over the top of that glass, a six-inch by two-inch chimney shall be used.

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

31. 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 at 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.

Company not to supply gas in Broadstairs.

32. Notwithstanding anything contained in the recited Act or this Act, the Company shall not supply gas within the limits of supply of the Broadstairs Gas Company as defined by the Broadstairs Gas Act, 1875.

33. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the lands and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Company to Postmaster General, and penalty.

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the

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Company by any work or thing executed or done by them interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

This section to remain in force only for one year, &c.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Expenses of Act.

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

SCHEDULE OF GAS LANDS.

MARGATE STATION.

A piece of land containing two acres three roods fifteen perches or thereabouts, the site of the above station, lying in Margate, on the south side of King Street, and in part on the west and in other part on the east of Addington Street.

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