ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

****

Cap. cclvii.

An Act to enable the *Torquay* Gas Company to increase their Capital and extend their Works; and for other Purposes. [5th *July* 1865.]

WHEREAS by " The *Torquay* Gas Act, 1860," the *Torquay* Gas Company (in this Act called " the Company ") were incorporated, and were authorized to raise a Capital of Twenty-five thousand Pounds, and to borrow on Mortgage not exceeding Six thousand two hundred and fifty Pounds, and to manufacture and supply Gas within the Parishes of *Tormoham* (including the Town of *Torquay*), *Saint Mary Church*, and *Cockington* in the County of *Devon*: And whereas the Company have raised and expended the Sum of Twenty-one thousand eight hundred Pounds, Part of their Capital of Twenty-five thousand Pounds, and they have also borrowed on Mortgage, and now owe, the whole of the said Sum of Six thousand two hundred and fifty Pounds: And whereas the Buildings and Population and the Demand for Gas within the Limits of the recited Act have since the passing thereof greatly increased, and are still increasing, and the Limits within which the Company are empowered to construct Works and their present available Capital are insufficient to enable them to meet such Demand: And whereas by the recited Act the Company were empowered to purchase and hold Lands for the Purposes of their Undertaking not exceeding in the whole at any One Time Five Acres: And whereas the Company have recently purchased, in addition to the Lands upon which by the recited Act they were authorized to erect Works for the Manufacture of Gas, certain Parcels of Land situate in the Parish of *Paignton* in the County of *Devon* adjoining the Land upon which the existing Works of the Company are now erected, but intersected by the Turnpike Road leading from

23 & 24 Vict. c. lxxv.

The Torquay Gas Act, 1865.

Torquay to *Paignton*, one of such Parcels of Land being bounded on the South-east by the existing Works of the Company, on the North-east by a certain Stream or Rivulet dividing the Parish of *Paignton* from the Parish of *Cockington* in the said County, and on the West by the said Turnpike Road; and the other of such Parcels of Land being bounded on the East by the said Turnpike Road, on the North-west by certain Land belonging to *Robert Butland*, and now in his Occupation, and on the South-west by a certain Road or Lane leading from the said Turnpike Road to the Land of *Robert Butland* aforesaid; but the whole of the Lands now belonging to the Company do not exceed the Limit prescribed by the recited Act: And whereas it is expedient that the Company should be authorized to increase their Capital and to erect additional Works, in order that they may be enabled to effectually carry on their Undertaking: And whereas the Objects of this Act 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 the present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "The *Torquay* Gas Act, 1865."

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

2. "The Gasworks Clauses Act, 1847," Sections 6 to 64, both inclusive, and Sections 161 and 162 of "The Companies Clauses Act, 1845," and Part 1 (relating to Cancellation and Surrender of Shares), and Part 2 (relating to additional Capital) of "The Companies Clauses Act, 1863," (save so far as any Sections and Provisions of that Act and Parts of Acts respectively are expressly varied or excepted,) are incorporated with this Act.

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

3. The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated with this Act, shall 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, and the several other Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned, have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to Company to raise additional Capital.

4. The Company may raise by the Creation of new Shares in their Undertaking, whether ordinary or preferential, or both, any further Capital not exceeding Twenty-three thousand two hundred Pounds, in addition to the Twenty-one thousand eight hundred Pounds, Part of their present authorized Capital, which they have already raised, which Shares shall form a Part of the general Capital of the Company, and the Amount thereof shall be called up and paid when and as the Directors of the Company shall think fit: Provided that to the Extent of Three thousand two hundred Pounds the additional

additional Capital so raised shall, except as regards the Rate of Dividend thereon, be substituted for Three thousand two hundred Pounds, Part of the Capital of Twenty-five thousand Pounds, by the recited Act of 1860 authorized to be raised.

Limiting Rate of Dividend.

5. The Amount of Profit which the Company may divide in respect of any Capital raised under this Act by ordinary Shares shall not exceed the Rate of Seven Pounds *per Centum* in any Year, nor the Rate of Six Pounds *per Centum* on any Capital which may be raised by preferential Shares.

Shares not to issue until Twenty per Cent. paid up.

6. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than Twenty *per Centum* on the Amount thereof shall have been paid thereon.

Power to borrow.

7. In addition to the Sum of Six thousand two hundred and fifty Pounds authorized by the recited Act, the Company from Time to Time may borrow on Mortgage any further Sums of Money not exceeding in the whole the Sum of Five thousand Pounds, but no Part thereof shall be borrowed until the whole of the additional Capital by this Act authorized to be raised has been subscribed for or taken, and One Half thereof is actually paid up, and until the Company shall 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 the said additional Capital have been subscribed for *bonâ fide* and issued, and that Half of such Capital has been paid up, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares are *bonâ fide* held by Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

8. Provided always, That all Mortgages 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 have Priority over any Mortgages to be granted by virtue of this Act.

Application of Monies raised under this Act.

9. All and every Part of the Monies which the Company are by this Act authorized to raise by Shares or by borrowing shall be applied only to the Purposes authorized by this and the recited Act.

Power to construct additional Works.

10. The Company may for any of the Purposes of their Undertaking from Time to Time construct, lay down, and maintain, alter, or discontinue in and upon the Lands so purchased by them as aforesaid, and specified in the Preamble of this Act, such Gasworks, Retorts, Gasometers, Engines, Machines, and other Apparatus as they shall

shall think necessary for manufacturing and supplying Gas within the Limits of this Act or the recited Act.

Quality of Gas.

11. From and after the passing of this Act, the Thirty-second Section in the recited Act shall be read and construed as if the Words "Fourteen Sperm Candles, of Six in the Pound," were inserted therein, instead of the Words "Ten Sperm Candles, of Six in the Pound."

Power to remove Meters and Fittings.

12. The Company may, after Twenty-four Hours Notice in Writing under the Hand of the Secretary to the Company to the Occupier, or if unoccupied then to the Lessee or Owner of any Land, House, or Building in which any Pipes, Mains, Meters, or Fittings belonging to the Company are laid or fixed, and through or in which the Supply of Gas shall from any Cause other than the Neglect or Default of the Company be discontinued, enter such Land, House, or Building, between the Hours of Nine in the Morning and Five in the Afternoon, for the Purpose of removing and to remove such Pipes, Mains, Meters, or Fittings, repairing all Damages caused by such Entry or Removal; and every such Notice shall be served by being delivered to the Person for whom it is intended, or left at his usual or last known Place of Abode, or if such Person reside or be beyond the Limits of this Act and the recited Act, then by being sent by Post addressed to such Person in a registered Letter, or if such Person or his Address be not known to the Company, then by being affixed on some conspicuous Part of such Land, House, or Building.

Notice to be given to the Company before the Removal or fixing of any Meter.

13. Before any Person shall connect or disconnect any Meter through which any of the Company's Gas is intended to be or has been registered he shall give not less than Six Hours Notice in Writing to the Company of his Intention so to do.

Consumer to keep his Meter in proper Order.

14. Every Consumer of Gas of the Company shall at all Times, at his own Expense, keep all Meters whereby any Gas of the Company is registered in proper Order for correctly registering such Gas, in default whereof the Company may cease to supply Gas through such Meters, and the Company shall at all reasonable Times have Access to and be at liberty to take off, remove, test, inspect, and replace any Meter of a Consumer, such taking off, Removal, testing, inspecting, and replacing to be done at the Expense of the Company if the Meter be found in proper Order, but otherwise at the Expense of the Consumer.

Expenses of Act.

15. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be borne and paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.