CHAPTER cv.

An Act to enable the Tottenham and Edmonton Gaslight and Coke Company to acquire lands for purposes of their undertaking to raise additional capital and for other purposes. [12th July 1882.] A.D. 1882.

WHEREAS by the Tottenham and Edmonton Gas Act 1859 in this Act called the Act of 1859 the Tottenham and Edmonton Gaslight and Coke Company (herein-after called "the Company") were incorporated for the purpose of making and supplying gas within the parishes of Tottenham Edmonton and Hornsey all in the county of Middlesex and for other purposes: 22 & 23 Vict. c. lxi.

And whereas by virtue of that Act and of the Tottenham and Edmonton Gas Order confirmed by the Gas and Water Orders Confirmation Act 1876 (No. 1) the capital of the Company now consists of the following sums: sixty thousand pounds under the said Act of 1859 and sixty thousand pounds under the said order nearly all of which has been paid up and expended on the undertaking: 39 & 40 Vict. c. xli.

And whereas the demand for gas within the limits supplied by the Company has increased and is increasing and the lands on which the works of the Company are situate are inadequate and it is expedient that the Company should be authorised to acquire additional lands and to enlarge their works and to raise additional capital:

And whereas plans showing the lands to be acquired under the powers of this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Middlesex and are herein-after referred to as the deposited plans and book of reference:

And whereas it is also expedient that the Act of 1859 should be in some respects amended and that the further powers and conditions

A.D. 1882.

herein-after contained should be granted to and imposed upon the Company:

And whereas the purposes 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 Tottenham and Edmonton Gas Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 16.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 and (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 non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

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;

26 & 27 Vict. c. 118.

And also Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock as amended by the Companies Clauses Act 1869;

32 & 33 Vict. c. 48. 34 & 35 Vict. c. 41.

shall extend and apply to the Company and to the additional capital which they are by this Act authorised to raise and the Gasworks Clauses Act 1871 shall apply to the existing undertaking of the Company as if it were authorised by this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated

with this Act shall have the same respective meanings unless there be something in the subject or context repugnant to such construction the terms "local authority" and "district" shall respectively have the same meanings as are assigned to the said terms respectively by the Gas and Water Works Facilities Act 1870 and the term the "local authorities" shall mean the local authorities of the several districts within the limits of this Act and shall respectively apply to the local boards of health for Edmonton and Tottenham and to the Southgate Local Board and to the several districts under their respective control and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly 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.

33 & 34 Vict. c. 70.

Power to Company to raise additional capital.

4. The Company may from time to time raise (in addition to their present capital) any further sums not exceeding in the whole one hundred and twenty thousand pounds by the creation and issue of new ordinary shares or stock or partly of shares and partly of stock but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock if such share or stock shall be issued at or above par together with any premium obtained upon the sale thereof shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of one hundred and twenty thousand pounds: Provided also that the Company shall not create and issue in any one year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid thirty thousand pounds.

If authorised capital for any year not raised the amount may be made up.

5. If in any year or years the Company shall not have created and issued capital to the full amount herein-before prescribed in relation to such year or years they may in any year create and issue in addition to the amount prescribed for such year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid thirty thousand pounds in respect of each year following the passing of this Act.

A.D. 1882.

New shares or stock to form part of capital. Rights of new shares and stock.

6. The capital in new shares or stock created under the powers of this Act shall subject to the provisions of this Act form part of the capital of the Company.

7. Every person who becomes entitled to any such new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall subject to the provisions of this Act be entitled to a dividend with the other holders of shares or stock.

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

8. 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 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 except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money of capital sold by auction to be paid within three months.

9. 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.

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

10. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerks of the local boards for the districts of Edmonton Tottenham Southgate and Hornsey respectively 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 district supplied with gas by the Company.

Shares not sold by auction or by tender to be offered to shareholders.

11. 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 to the holders of ordinary shares or ordinary stock of the Company and if not accepted may be disposed of by the Company in manner provided by the Companies Clauses Act 1863.

Application of premium arising on issue of shares or stock.

12. 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.

Profits of Company limited.

13. Except as in this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed the following rates (which are in this Act referred to as "the standard rate of dividend") on the ordinary share capital or stock of the Company authorised by Parliament and paid up viz.:

On the capital authorised by the said Act of 1859 ten per cent. per annum.

On the capital authorised by the said Order or by this Act seven per cent. per annum.

Dividend dependent on price charged.

14. From and after the twenty-ninth day of September One thousand eight hundred and eighty-two the standard price to be charged by the Company for gas supplied by them shall be at the rate of three shillings and eightpence per 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.

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

15. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rate of dividend and the dividend on the preference capital (if any) the excess beyond the sum necessary for that purpose may from time to time to the extent of one 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

A.D. 1882.

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.

Application of excess of profits over standard rate of dividend.

16. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rate of dividend on the ordinary share capital or stock of the Company 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.

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

17. Where in any year the amount of the standard rate of dividend of the Company on the ordinary share capital or stock 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 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 standard rate of dividend on the ordinary share capital or stock of the Company and save as in this Act otherwise provided no sum shall in any year be carried by the Company to any reserve fund.

Dividends to be paid proportionately.

18. In case in any half-year the funds of the Company available for dividend shall be insufficient to pay in full the standard rate of dividend on each class of ordinary shares or stock in the capital of the Company a proportionate deduction shall be made in the dividend of each class.

Power to borrow.

19. The Company may from time to time subject to the provisions of this Act borrow on mortgage any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully 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 such shares and stock and premium (if any) have been issued and fully paid up 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.

Appointment of 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 five 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 so created are limited to a rate not exceeding five pounds per centum per annum.

Debenture stock.

22. 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 and of all mortgages at any time after the passing of this Act created and issued by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the

A.D. 1882.

mortgages and stock were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts.

23. 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.

Application of moneys.

24. 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 purchase lands.

25. Subject to the provisions of this Act the Company may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference and specified in Part One of the schedule to this Act and may make such approaches to such lands from the roads or streets upon which they abut as they may think fit. Provided that nothing in this Act contained shall enable the Company to purchase or take otherwise than by agreement the lands numbered on the deposited plans and book of reference 2 and 4 in the parish of Edmonton.

Power to erect and maintain gasworks and manufacture and store gas on lands in schedule.

26. 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 erect make maintain alter enlarge or discontinue retorts gasholders receivers meters apparatus and works for the manufacture and storing of gas and any residual products arising in the manufacture of gas together with all necessary and proper conveniences and manufacture and store gas coke tar pitch asphaltum ammoniacal liquor and all other products and residuum of any materials employed in or resulting from the manufacture of gas. Provided that nothing in this Act shall enable the Company

to construct gasworks or works for the manufacture or conversion of the residual products of gas on any lands except those described in the same schedule or on any part of the lands described in Part One of the schedule within three hundred yards of any dwelling house erected before the thirty-first day of December eighteen hundred and eighty-one in the parish of Edmonton other than the house at the Angel Road Station the house known as Dyson's Farm and the house or cottage in Dyson's Lane next thereto on the northern side except with the consent in writing of the owner lessee and occupier of such dwelling house.

Period for compulsory purchase of lands.

27. 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 and the prescribed period for the purposes of section 127 of the Lands Clauses Consolidation Act 1845 shall be seven years from the passing of this Act.

Company to submit plans of new mains to local authorities.

28. The Company shall except in case of emergency at least seven days before laying any main or pipe other than a service pipe in any street within the district of either of the local authorities submit to the clerk of such local authority a plan showing the situation and manner in which such pipe is intended to be laid and if within such period of seven days such local authority shall require any reasonable modification to be made in such plan the same shall be modified accordingly and the main or pipe shall be laid in accordance with such plan provided that any difference which may arise between the Company or their engineer on the one hand and the local authority or their clerk on the other hand as to the reasonableness of any such modification shall be settled by an engineer to be appointed by the Board of Trade at the request of either party and such engineer shall have full power as to the determination of such difference with power to make such order as to the payment of costs as he may think fit.

Company to make maps showing mains.

29. The Company shall within six months after the passing of this Act cause a map on a scale of not less than six inches to a mile to be made for the local authority of each district within the limits of this Act showing the position of all the existing mains or pipes of the Company (other than service pipes) laid in the streets within the district of such authority and also as nearly as may be the position of all valves syphons and other appliances in such streets and shall deposit such map with the clerk of such local authority who shall keep the same at the office of such local authority and the Company shall once in every year thereafter

A.D. 1882.

cause such map to be corrected and such additions and alterations to be made thereon as may be necessary to show correctly as nearly as may be the lines position and sizes of the various mains or pipes laid in such streets and also of such valves syphons and appliances and the Company shall from time to time give to such local authority upon their request such information in writing as to the depths at which such pipes are laid as such local authority may reasonably require and in case the Company fail to comply with any of the requirements of this section the Company for every such offence shall be liable to a penalty not exceeding ten pounds.

Pressure of gas.

30. 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 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.

31. The prescribed number of candles shall be fourteen.

Testing place.

32. The prescribed testing place for the purpose of the 28th section of the Gasworks Clauses Act 1871 shall be the existing testing place at the Company's works and in addition thereto a testing place shall be erected by the Company on a site to be provided by the Tottenham Local Board at or near to the Fire Brigade Station Wood Green in the parish of Tottenham within six months after the provision of such site which shall also be a prescribed testing place under that Act. Such last-mentioned testing place shall be under the control and management of the local authorities who shall afford the Company and their servants free access thereto and any gas examiner appointed by the local authorities under the last-mentioned Act for the purposes of this Act may from time to time subject to the terms of his appointment exercise at such additional testing place all the powers which a gas examiner is authorised to exercise at the existing testing place of the Company. The Company may also have a separate testing place in the same building under their own control and management.

A.D. 1882.

Burner.

33. The prescribed burner shall be Sugg's London Argand Burner No. 1 with a six-inch by one-and-three-quarter-inch glass chimney but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used or any other burner which the Company may from time to time adopt with the approval of the Board of Trade.

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

34. If any person is required by the Company to give to them security for the payment of the price or rent of the 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 lay pipes against buildings.

35. The Company with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Shareholder may be a member of sanitary authority.

36. No shareholder of the Company shall by reason of being a shareholder be disqualified from being or acting as a member of any sanitary or local authority or be liable to any penalty as such notwithstanding that the sanitary or local authority of which he is a member may enter into any contract with the Company or the directors for the time being: Provided that no such shareholder being a member of such sanitary or local authority shall be entitled to vote in or concerning any such contract.

Contracts for supplying gas for public purposes.

37. The Company may from time to time enter into and carry into effect any contract or arrangement with any sanitary or local authority having powers within any part of the limits of this Act or any corporation companies bodies or persons for the supply of gas in bulk by the Company within the limits of this Act for any period not exceeding under any one such contract or arrangement seven years and may from time to time by mutual consent vary suspend or rescind any such contract or arrangement or enter into or carry into effect other contracts or arrangements in lieu thereof or in addition thereto.

Recovery of debts before justices.

38. In case any person who has been supplied with gas by the Company or who is liable under this Act to any payment in respect

A.D. 1882.

of a supply of gas or the use or repair of any meter fails after demand thereof in writing left upon the premises of such person by the Company their agent or collector to pay the amount due in respect of the supply or of the meter any justice on application by the Company shall issue his summons to the person requiring him to appear at a time and place named therein and then and there to show cause why the sum so demanded should not be paid and if on the appearance of the person or in default of appearance after proof of the service of the summons either personally or if he cannot be found at his last known place of abode or of business sufficient cause be not shown to the contrary the justice shall issue his warrant of distress for the seizure and sale of the goods and chattels of the person for the recovery of the amount proved before the justice to be due from the person with such costs to be settled by the justice and including the costs of cutting off the gas if the same be cut off by the Company as the justice thinks just and reasonable and proceedings under this section for the recovery of money due to the Company for the supply of gas or for the use or repair of any meter may notwithstanding the provisions of any Act to the contrary be taken by the Company at any time after such money becomes due.

For protection of the Great Eastern Railway Company.

39. Nothing in this Act contained shall authorise the Company to take use or in any way interfere with any lands belonging to the Great Eastern Railway Company or any of the works of that Company without the previous consent in writing of the Great Eastern Railway Company under their common seal.

Expenses of Act.

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

SCHEDULE referred to in the foregoing Act.

Part I.

The lands which may be acquired by the Company under the powers of this Act:—

Lands in the parish of Edmonton or partly in the parish of Edmonton and partly in the parish of Tottenham in the county of Middlesex delineated on the deposited plans comprising fifteen acres and six perches or thereabouts adjoining the works of the Company bounded towards the east in part by the said works and in part by so much of the Great Eastern Railway as lies between the said works and Angel Road on the west by an imaginary line drawn on the west side of and parallel to the said part of the said railway at a distance of two hundred yards from the westernmost fence thereof on the south in part by the said works and in part by Dysons Lane and on the north in part by Angel Road and in part by the properties numbered on the deposited plans and book of reference 2 and 4 in the said parish of Edmonton.

Part II.

The lands acquired by the Company under the powers of the Act of 1859 comprising five acres or thereabouts in the parishes of Edmonton and Tottenham abutting on the Great Eastern Railway and Dysons Lane.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.