ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cxcix.

An Act for better supplying with Gas the Parish and Neighbourhood of *Wakefield* in the West Riding of the County of *York*. [9th *July* 1847.]

WHEREAS an Act was passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for* 3 G. 4. c. 7.
lighting with Gas the Town and Neighbourhood of Wakefield *in the West Riding of the County of* York, by which a Company was incorporated by the Name of "The *Wakefield* Gaslight Company," with Power to raise the Sum of Twelve thousand five hundred Pounds for the Purposes of the said Act: And whereas the said Company proceeded to carry the Powers of the said Act into execution, and established Works, and lighted various Streets, Places, and Buildings within the said Town of *Wakefield* and the Neighbourhood thereof, and raised and expended the whole of the said Sum of Twelve thousand five hundred Pounds for such Purposes: And whereas since the passing of the said Act the Town and Neighbourhood of *Wakefield* from Time to Time have increased, and in order to meet such Demand the Company extended their Works for the Supply of Gas in the said Town and Neighbourhood, and expended in such Extension, over and above the said Sum of Twelve thousand five hundred Pounds, a further Sum of Twelve thousand five hundred Pounds or thereabouts, which it is desirable should form Part of the Capital Stock of the Company: And whereas the Population and

Number of Buildings in the Parish of *Wakefield* and the Townships of *Sandal Magna* and *Warmfield* otherwise *Warmfield-cum-Heath* are increasing, and it is expedient, in order to meet the increasing Demand for Gas, and for more effectually carrying out the Purposes contemplated by the said Act, that Powers should be granted for raising an additional Sum of Money: And whereas the Company have lighted the Town of *Wakefield*, and are desirous of extending their Mains, Pipes, Apparatus, and Works to light the Townships of *Horbury*, *Sandal Magna*, and *Warmfield-cum-Heath*, *Alverthorpe with Thornes*, and *Stanley-cum-Wrenthorpe*, and the Buildings, Mills, and Railway Stations and other Works situated therein, but are unable to carry the same into effect without further Powers being granted to raise a further Capital: And whereas the several Purposes aforesaid might be more conveniently and effectually carried into execution if the said recited Act were repealed, and if other Powers and Provisions were granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's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, That the said *Wakefield* Gaslight Company, incorporated by the recited Act, shall be and the same is hereby dissolved, and all the Powers, Provisions, Penalties, Matters, and Things contained in the said recited Act, except as herein-after mentioned, shall be and the same are accordingly hereby repealed.

Recited Act repealed.

8 & 9 Vict. cc. 16. and 18. and 10 & 11 Vict. c. 15. extended to this Act.

II. And be it enacted, That the several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall (save as herein-after excepted, and save as to such of the Provisions thereof as are or may be inconsistent with the Provisions of this Act,) be incorporated with and form Part of this Act, and be applicable to the Undertaking hereby authorized.

Company not to take or purchase Lands without Consent.

III. Provided always, and be it enacted, That nothing in the said Lands Clauses Act or in this Act contained shall authorize the Company hereby incorporated to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

Title of Act.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, or in any legal Instruments, it shall be sufficient to use the Expression "The *Wakefield* Gas Act, 1847."

Re-establishment of the Wakefield Gas Company.

V. And be it enacted, That from and immediately after the passing of this Act the several Persons and Bodies Corporate who were immediately before the passing of this Act Proprietors of Shares in the Joint Stock or Fund of the *Wakefield* Gaslight Company incorporated by the recited Act shall be and they are hereby reunited into, and they and their Successors, Executors, Administrators, and Assigns, Proprietors for the Time being of Shares in the Capital or Joint Stock of the Company hereby established, shall for ever remain

and be, a Company for lighting with Gas the Town and Parish of *Wakefield*, and the Township of *Sandal Magna* in the Parish of *Sandal Magna*, and the Township of *Warmfield* otherwise *Warmfield-cum-Heath* in the Parish of *Warmfield* in the West Riding of the County of *York*, and for that Purpose shall be One Body Corporate by the Name of "The *Wakefield* Gaslight Company," and by that Name shall have perpetual Succession and shall have a Common Seal, and by that Name may sue and be sued, and shall have full Power and Authority to purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of this Act, without incurring any of the Penalties of the Statutes of Mortmain, and shall have full Power to sell and dispose of any Lands, Tenements, and Hereditaments hereby vested in them, or to be hereafter purchased or acquired by them in the Manner directed by this Act.

Real and Personal Estate and Liabilities of the former Company vested in and binding on the Company hereby established.

VI. And be it enacted, That from and immediately after the passing of this Act all the Lands, Tenements, and Hereditaments, Monies, and all Rights, Claims, Easements, and Privileges, and all Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the said hereby dissolved Company shall be and the same are hereby vested in the said Company hereby established; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the said hereby dissolved Company shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the said Company hereby established; and all Debts which immediately before the passing of this Act were due and owing by the said hereby dissolved Company shall be paid, with all Interest (if any) due and to accrue due thereon, by the said Company hereby established; and all Rates or Rents which immediately before the passing of this Act were due and payable or then accruing due under or by virtue of the recited Act to the said hereby dissolved Company shall be and become due and payable to the said Company hereby established, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates and Rents by this Act made payable to the said Company hereby established; and all Conveyances, Contracts, Mortgages, Bonds, Covenants, Liabilities, Securities, Arrangements, and Agreements made or entered into before the passing of this Act to, with, in favour of, or by or for the said hereby dissolved Company shall be and remain as good, valid, and effectual in favour of or against and with reference to the said Company hereby established, and may be proceeded on, enforced, and satisfied in the same Manner, to all Intents and Purposes as if the said Company hereby established had been a Party to, executed, and incurred the same, or had been named or referred to therein instead of the said Company incorporated by the recited Act.

Rates or Rents now payable to continue till altered.

VII. And be it enacted, That all Rates, Rents, or Charges made or imposed under or by virtue of the recited Act or repealed Act as aforesaid, and which at the Time of the passing of this Act shall be due and payable or accruing due and payable, or if this Act had not passed

passed would have been due and payable, or would have accrued due and payable, shall continue to be payable until the same shall be altered or reduced under the Authority of this Act, and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges to be received in pursuance of this Act may be collected or received.

Transfers of Shares, &c. to remain in force.

VIII. And be it enacted, That all Sales, Transfers, and Dispositions before the passing of this Act executed of any Share or Shares in the Joint Stock of the said Company incorporated by the recited Act shall remain in full force and virtue, and shall be and continue available in all respects whatsoever, in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

Actions, &c. not to abate, and Penalties to be recoverable.

IX. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the said hereby dissolved Company previously to the passing of this Act shall abate, cease, be discontinued, or prejudicially affected by this Act, but on the contrary that the same shall continue and take effect, either in favour of or against the said Company hereby established, in the same Manner in all respects as the same would have continued and taken effect in relation to the said hereby dissolved Company if this Act had not been passed; and also that all Penalties incurred by any Offence against the Provisions of the recited Act previously to the passing of this Act may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the recited Act may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, the said Company hereby established being, in reference to the Matters aforesaid, in all respects substituted in the Place of the said hereby dissolved Company.

Books, &c. made Evidence by former Act to continue so.

X. And be it enacted, That all Books and other Documents whatsoever by the recited Act authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

Officers to continue in Office till removed.

XI. And be it enacted, That all Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of the recited Act, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy their respective Offices and Employments, together with the Salaries or Emoluments thereunto annexed, until they or he shall be removed therefrom by the said Company or the Directors, and all such Clerks, Officers, and Persons shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all respects whatsoever as if they had been appointed by virtue of this Act.

XII. And

accept the same, or to pay any of the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof for such Sum as the Company can obtain for the same, or otherwise as they think proper.

Calls.

XVII. And be it enacted, That One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at least shall intervene between the making of any Two successive Calls.

Power to borrow Money on Mortgage.

XVIII. And be it enacted, That after the whole Sum of Seven thousand five hundred Pounds authorized by this Act to be raised by new Shares for making up the entire Capital of the Company to the Sum of Thirty-two thousand five hundred Pounds shall have been subscribed for, and One Half of the entire Capital of the Company shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond or otherwise any Sums not exceeding in the whole Ten thousand eight hundred Pounds.

Former Mortgages to have Priority.

XIX. Provided always, and be it enacted, That all Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Mortgages, Transfers, &c. to be stamped.

XX. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said recited Act or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the recited Act contained to the contrary notwithstanding.

Numbers and Qualification of Directors.

XXI. And be it enacted, That (subject to the Provisions herein contained for increasing or reducing the Number of Directors) the Number of the Directors of the Company shall be Seven, and the Qualification of a Director shall be the Possession by him in his own Right of Four Shares of Twenty-five Pounds each or Twenty Shares of Five Pounds each in the said Undertaking, or such an Amount of either or both as will represent the Sum of One hundred Pounds of paid-up Capital.

Power to vary the Number of Directors.

XXII. And be it enacted, That it shall be lawful for the Company, by Vote of any General Meeting, from Time to Time to increase or reduce the Number of Directors, provided that the increased Number do not exceed Thirteen, and that the reduced Number be not less than Five.

First Directors.

XXIII. And be it enacted That *William Statter*, *Charles Clapham* Engineering Surveyor, *William Senior*, *Robert Scott*, *William Wood* Doctor in Medicine, *Joseph Mathewman*, and *Edward Watson* shall be the first Directors of the Company.

XXIV. And

Quarter Sessions.

XII. And be it enacted, That the Expression "Quarter Sessions" in the said incorporated Acts shall be construed to mean the Quarter Sessions for the West Riding of the County of *York* holden at *Wakefield*.

Capital.

XIII. And whereas the present subscribed Capital of the Company is Twelve thousand five hundred Pounds, and the Company have expended the Sum of Twelve thousand five hundred Pounds or thereabouts in addition thereto in the Extension of their Works, and in carrying the said Act into execution, and it is expedient that the same should be considered as Part of the paid-up Capital of the Company, and that the present Capital of the Company should be deemed and taken to be Twenty-five thousand Pounds, and it is expedient that the Company in addition thereto should be authorized to raise a further Capital of Seven thousand five hundred Pounds: Be it enacted, That Thirty-two thousand five hundred Pounds shall be the future Capital of the Company, and shall be divided into One thousand Shares of Twenty-five Pounds each, and One thousand five hundred Shares of Five Pounds each.

As to Shares created under former Act.

XIV. And whereas the Sum of Twenty-five Pounds has been paid in respect of each of the Shares created under the said recited Act, and Profits amounting to Twenty-five Pounds and upwards in respect of each such Share have been expended (in addition to any Sum of Money which has been divided amongst the Proprietors of such Shares) in the Extension of the Works of the Company: Be it therefore enacted, That every Person possessed of a Share of Twenty-five Pounds created under the recited Act shall be entitled in lieu thereof to Two Shares of the Amount of Twenty-five Pounds each created by this Act, without making any further Payment in respect of the same.

Shares to be created by this Act.

XV. And be it enacted, That the Company may create such Number of new Shares of the Amount of Five Pounds each as they may find necessary for the Purpose of raising an additional new Capital of Seven thousand five hundred Pounds by this Act authorized to be raised for the Extension of the Works of the said Company.

Distribution of new Shares.

XVI. And be it enacted, That the Sum so to be raised as last herein-before mentioned shall be offered to the then Proprietors of Shares, in proportion as nearly as can be conveniently done to the then existing Shares held by them respectively; and such Offer shall be made by Letter under the Hands of the Clerk of the Company given to or sent by Post to each Proprietor, or left at his usual or last Place of Abode, or addressed to his last Address appearing in the Shareholders Address Book by the said Companies Clauses Consolidation Act required to be kept, of which Letter having been so given or sent, the Certificate of such Clerk shall be conclusive Evidence; and such new Shares shall vest in and belong to the Proprietors who shall accept the same, and pay to the Company the Price at which the same were allotted to them at the Times, and in such Manner, and by the Instalments which shall be fixed by the Directors; and if any Proprietor fail for One Month after such Offer of new Shares to

Election of future Directors.

XXIV. And be it enacted, That the Directors appointed by this Act shall continue in Office until the Ordinary Meeting to be held in the Month of *August* One thousand eight hundred and forty-seven, at which Meeting they shall retire from Office, and at such Meeting the Shareholders present, personally or by Proxy, shall elect a new Body of Seven Directors; and at every subsequent Ordinary Meeting in *August*, or some Adjournment thereof, Three Directors of the Company shall go out of Office, and the Shareholders present, personally or by Proxy, shall in like Manner elect Persons to supply their Places; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead under the Provisions of this Act.

Directors re-eligible.

XXV. And be it enacted, That any Director retiring from Office under the Provisions of this Act may be immediately or at a future Time re-elected a Director.

Remuneration of Directors and Auditors.

XXVI. And be it enacted, That the Remuneration of the Directors and Auditors shall from Time to Time be fixed by a General Meeting of the Company, and shall be paid out of the Rents, Rates, or Sums receivable under this Act.

Quorum of Directors.

XXVII. And be it enacted, That a Quorum of the Meeting of Directors shall be Three.

Committees of Directors.

XXVIII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Two nor more than Five, and the Quorum of such Committees shall be left to the Discretion of the Directors.

First and other Meetings.

XXIX. And be it enacted, That the first Ordinary Meeting of the Company shall be held in the Month of *August* One thousand eight hnndred and forty-seven, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*, and the first of such subsequent Ordinary Meetings shall be held in the Month of *February* One thousand eight hundred and forty-eight; and such Meetings, whether Ordinary or Extraordinary, shall be held at the Office of the Company, or such other Place in *Wakefield* as the Directors shall appoint.

Votes of Shareholders.

XXX. And be it enacted, That at all General Meetings of the Company every Shareholder shall have One Vote for every Share of Twenty-five Pounds held by him in the Company, or for every Five Shares of the Amount of Five Pounds each.

Amount of reserved Fund.

XXXI. And be it enacted, That the Amount of the reserved or contingent Fund shall be Six thousand Pounds.

Limits of the Act.

XXXII. And be it enacted, That the Limits of this Act shall be held to comprise the Parish of *Wakefield*, and the Township of *Sandal* otherwise *Sandal Magna* in the Parish of *Sandal Magna*, and the Township

Township of *Warmfield* otherwise *Warmfield-cum-Heath* in the Parish of *Warmfield*, in the West Riding of the County of *York*.

Power to purchase Lands limited.

XXXIII. And be it enacted, That it shall not be lawful for the said Company to purchase and hold for the Purposes of this Act more than Ten Acres of Land.

Definition of the Word "Street."

XXXIV. And be it enacted, That whenever in this Act the Word "Street" occurs the same shall be held to include every public Street, Highway, Bridleway, Footway, Turnpike Road, Lane, Passage, or Place within the Limits of this Act, unless there be something in the Context of the Clause or Provision in which the said Word occurs inconsistent with such Interpretation.

Company empowered to construct Gasworks, &c.

XXXV. And be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Retorts, Gasometers, Receivers, Drains, Sewers, Machinery, and other Works and Apparatus, and also such Houses and Buildings and Approaches thereto, upon the Lands hereby authorized to be held or purchased by the Company, and to do all such other Acts as they shall think proper, consistently with the Provisions of this Act, for supplying Gas within the Limits of this Act, which the Company are hereby required to provide of a good illuminating Power and of a pure Quality, and for other Purposes authorized by this Act, and to sell, manufacture, and dispose of Coke, and of all Products, Refuse, or Residuum arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, in such Manner as the Company may think proper.

Company empowered to lay Pipes for lighting Buildings.

XXXVI. And be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipes into, through, or against any Building for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Price of Gas.

XXXVII. And be it enacted, That the maximum Price to be charged for Gas by the said Company from Time to Time shall not exceed the following Charges, that is to say, the Sum of Five Shillings *per* Thousand Cubic Feet until the First Day of *July* One thousand eight hundred and forty-eight, the Sum of Four Shillings and Sixpence *per* Thousand Cubic Feet from the last-mentioned Day until the First Day of *July* One thousand eight hundred and forty-nine, and the Sum of Four Shillings *per* Thousand Cubic Feet from and after the last-mentioned Day.

Gas to be charged at an equal Rate to all Persons.

XXXVIII. And be it enacted, That on and after the passing of this Act the Gas supplied by the said Company shall be charged at an equal Rate to all Persons, Bodies Corporate, and others.

XXXIX. And

Price to be charged for Gas for lighting the public Streets, &c.

XXXIX. And be it enacted, That the Price to be charged by the Company for Gas for lighting the public Lamps in the Streets of *Wakefield* until the First of *July* One thousand eight hundred and forty-nine shall be at the Rate of Four Shillings for every Thousand Cubic Feet of Gas, and after the said First of *July* shall be charged at the same Rate *per* Thousand Cubic Feet of Gas as may from Time to Time be charged for Gas supplied to the other Consumers of Gas in the said Town and Borough; and the said Company shall provide, maintain, and keep in repair, except as herein-after provided, the Lamps, Lamp Posts, Columns, Brackets, Service Pipes, Taps, and Lamp Burners, without any further Charge in respect thereof, the said Commissioners for paving, watching, lighting, and cleansing the Town of *Wakefield* being at the Expence of lighting, extinguishing, and cleaning the said Lamps, and also of making good any Damage by Breakage of Lamps or otherwise that may be occasioned in the lighting, extinguishing, or cleaning of the said Lamps by the wilful Neglect or Carelessness of the Persons employed by them to perform that Duty.

Consumers of Gas may be required to consume Gas by Meter.

XL. And be it enacted, That every Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter, to be found and provided by the Company if the Consumer shall not think fit to provide the same at his own Expence.

Power to recover Rent under 20*l.* in the County Court.

XLI. And be it enacted, That if any Person supplied with Gas by the Company, or having hired from the Company any Meters or Fittings for Gas, neglect to pay the Rent due for the same to the Company, and the said Rent so due do not amount to Twenty Pounds, the Company may recover the same, together with the Expences of cutting off the Gas, in the County Court, or in any inferior Court having Jurisdiction for the Recovery of Demands of that Amount within the District in which the said Gas shall have been supplied, as well as in the Manner prescribed for the Recovery thereof in the Gasworks Clauses Act, 1847.

Mains, Pipes, &c. of the Company not to be removed without Consent.

XLII. And be it enacted, That the Mains, Service Pipes, Lamp Posts, and Brackets and Lamps, and all other Appendages and Apparatus, which at the Request and by the Direction of the Commissioners for paving, watching, lighting, and cleansing the Town of *Wakefield* have been laid down or set up or placed in the Streets by the said Company at any Time heretofore for the Purpose of lighting the Lamps in the said Streets, shall not be removed or interfered with without the Consent in Writing of the Company first had and obtained, unless the said Commissioners shall purchase the same from the said Company.

Saving Rights of Lord of Manor of Wakefield.

XLIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend, or prejudice, alter, lessen, or defeat, the Right, Title, or Interest of the present or any future Lord or Lords of the Manor of *Wakefield* of, in, and to the Seigniories, Rights, Royalties, Liberties, and Privileges incident, appendant, or appertaining to the said Manor.

Not to enter the Lands, Wharves, &c. of the Aire and Calder Navigation without Consent.

XLIV. Provided always, and be it enacted, That nothing in this or the said incorporated Acts contained shall authorize or empower the Company hereby incorporated to enter upon, open, or break up any of the Lands, Wharves, Yards, Buildings, or Towing Paths, or any other Property of the Undertakers of the Navigation of the Rivers *Aire* and *Calder* in the County of *York*, or to lay down or place any Pipe or other Works into, through, or against any of such Lands, Wharves, Yards, Buildings, or Towing Paths, or Property, without the Consent in Writing of Six of the Committee of Directors of the said Undertakers first had and obtained.

Expences of Act.

XLV. And be it enacted, That all the Costs, Charges, and Expences of applying for and obtaining this Act, or incident thereto, shall be defrayed by the Company out of any Monies in their Hands at the Time of the passing hereof, or out of the first Monies which may thereafter come to their Hands, in preference to any other Payment.

Public Act.

XLVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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