CHAPTER xci.

An Act to enable the Walton-on-Thames and Weybridge Gas Company to acquire additional land and to erect and maintain additional works to raise further capital and for other purposes. [5th July 1887.]

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WHEREAS by the Walton-on-Thames and Weybridge Gas Act 1869 (hereinafter called "the Act of 1869") the Walton-on-Thames and Weybridge Gas Company (hereinafter called "the Company") was incorporated for the purpose of (amongst other things in the said Act mentioned) making and supplying gas to the places and within the limits in that Act defined:

And whereas it was by the Act of 1869 enacted that the capital of the Company should be thirty thousand pounds divided into three thousand shares of ten pounds each and the Company were authorised to borrow on mortgage not exceeding in the whole seven thousand five hundred pounds:

And whereas the whole of the authorised capital of the Company has been created issued and paid up and nearly the whole thereof has been expended and the Company have borrowed on mortgage debentures seven thousand five hundred pounds:

And whereas it is expedient that the Company should be authorised to raise further capital for the purposes of their undertaking:

And whereas it is expedient to repeal alter and amend as in this Act is hereinafter provided certain provisions of the Act of 1869 and that the further powers hereinafter contained be conferred upon the Company:

And whereas the demand for gas within the Company's limits of supply is increasing and the lands whereon the existing works of the Company are erected are insufficient to enable the Company to meet the present and prospective demands of their district and it is expedient that the Company be authorised to acquire by agreement further land and to erect additional works thereon:

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And whereas the 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 (that is to say):—

Short title.

1. This Act may be cited as the Walton-on-Thames and Weybridge Gas Act 1887.

Act of 1869 and this Act to be construed together.

2. The Act of 1869 and this Act may for all purposes be cited as the Walton-on-Thames and Weybridge Gas Acts 1869 and 1887 and the Act of 1869 as amended by this Act and this Act shall be construed together as one Act except so far as such construction would be inconsistent with or repugnant to the provisions of this Act and the Act of 1869 as amended by this Act and this Act shall be the special Act for the purposes of the Gasworks Clauses Act 1871.

Incorporation of general Acts.

3. 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 borrowed money into capital;

The consolidation of 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;

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

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) the Gasworks Clauses Act 1847 and the Lands Clauses Consolidation Act 1845 except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by promoters of the undertaking and the Lands Clauses Consolidation Acts

Amendment Act 1860 (which two last mentioned Acts are hereinafter referred to as the Lands Clauses Acts) are so far as the same respectively are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act incorporated with and form part of this Act And the Gasworks Clauses Act 1871 except where expressly varied by or inconsistent with the provisions of this Act or the Act of 1869 as amended by this Act shall apply to the undertaking of the Company as if the same had been authorised by this Act.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings (unless there be something in the subject or context repugnant to such construction) and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith 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 created by statute.

Acquisition of land by the Company.

5. The piece or parcel of land described in the schedule to this Act which has been purchased for or on behalf of the Company and is now held for them may be acquired by and vested in the Company and the Company may hold the same for the purposes of their undertaking and of this Act.

Power to erect and maintain gas works &c.

6. The Company may when they have acquired the land described in the schedule to this Act from time to time thereon or on any part or parts thereof erect lay down provide maintain alter improve enlarge extend and renew or discontinue works for the manufacture and storage of gas and for the manufacture of any residual products arising in or producible from the manufacture of gas and may make store manufacture and supply gas and residual products thereon accordingly.

Company not to acquire certain land.

7. The Company shall not under the powers and provisions of the Act of 1869 or this Act acquire or hold or use for the purposes of their undertaking or otherwise either of the pieces or parcels of land next hereinafter described situate in the parish of Walton-on-Thames in the county of Surrey and which adjoin the present works and property of the Company (that is to say) :—

(*a*) A piece of land containing 1A. 1R. 38P. or thereabouts situate in the parish of Walton-on-Thames in the county of Surrey bounded on or towards the north by the piece or parcel of land (*b*) next hereinafter described on or towards the south by Back

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Street on or towards the east partly by land belonging or reputed to belong to E. H. J. Craufurd and partly by land belonging or reputed to belong to the Company and on or towards the west by land belonging or reputed to belong to Alderman Sidney:

(*b*) A piece of land containing 2A. 1R. 33P. or thereabouts situate in the said parish of Walton-on-Thames bounded on or towards the north and west by land belonging or reputed to belong to the said Alderman Sidney on or towards the south partly by the land (*a*) lastly hereinbefore described and partly by land belonging or reputed to belong to the Company and partly by the piece of land described in the schedule to this Act and on or towards the east by land belonging or reputed to belong to Mrs. Newton:

Provided that nothing in this section contained shall be deemed to affect or prejudice any future application to Parliament for powers over the said lands.

Restriction on taking houses of labouring class.

8. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers For the purposes of this section "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to supply gas apparatus engines stoves &c. for heating motive and other purposes.

9. The Company within the limits of the Act of 1869 may from time to time manufacture purchase or otherwise provide let sell or otherwise deal in and fix set up alter repair maintain remove and re-fix gas and other apparatus engines stoves ranges baths fittings pipes and other appliances articles and things for the warming lighting or ventilating of houses buildings and other places and for the cooking of food and for motive power and all other purposes for which gas is or may hereafter be used and may require and take such remuneration in money or such rents and charges for the sale supply fixing setting up letting on hire or use of such apparatus engines stoves ranges baths fittings pipes and other appliances articles and things as aforesaid as may be agreed upon

between the Company and the person to or by whom the same are sold let or used.

Power to supply gas for cooking heating and other purposes.

10. The Company may on the request of the owner or occupier of any premises within their limits of supply give and continue to give a supply of gas for heating or ventilating such premises or for motive power cooking or other purpose on such premises and may furnish and lay any pipes stoves apparatus fittings or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid.

Power to raise additional capital.

11. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise and they may from time to time raise additional capital not exceeding in the whole the sum of twelve thousand pounds by the creation and issue of new ordinary shares or new preference shares or wholly or partially by one or both of those modes and may create the new shares either of one class and with the like privileges or of several classes and with different privileges and of the same or different amounts respectively and with such perpetual or terminable preferential dividend or interest as the Company from time to time think fit and may from time to time (subject to the provisions of this Act) fix as they think fit the amounts and times of payment of the calls on the new shares Provided that all the shares of the same class shall be of like amount but the amount of no share shall be less than ten pounds and all the shares of the same class shall subject to the provisions of this Act confer like privileges and bear the like dividend or interest Provided also 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 premium which may be obtained on the sale thereof the sum of twelve thousand pounds.

New shares to form part of capital.

12. Subject to the provisions of this Act the capital in shares created under the powers of this Act shall for all purposes form part of the general capital of the Company.

New shares to be offered by aucctin.

13. Notwithstanding anything in this Act contained the Company shall when any shares created under the powers of this Act are or is 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

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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 and that the reserved price put upon such shares shall not be less than the amount to be paid upon such shares on the issue thereof exclusive of any premium thereon 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 no priority of tender shall be allowed to any holder of shares or stock in the Company.

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

14. It shall be one of the conditions of any sale of shares 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 notices to be given as to sale of shares.

15. The intention to sell any such shares by auction or by tender shall be communicated in writing to the clerk of each urban sanitary authority within the Company's limits of supply and to the secretary 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 said limits.

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

16. When any shares created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Company as nearly as circumstances admit in manner and number provided by the Companies Clauses Act 1863 Provided always that any 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 provisions of this Act with respect to the sale of shares created under the powers of this Act except that at such second offer such shares may be sold at the best price that can be obtained.

Where shareholder bids or tenders for shares the same amount as any other person shareholder to be declared the purchaser.

17. Where the amount bidden or tendered by the proprietor of any share or stock of the Company (in this Act referred to as the proprietor) for any shares offered for sale by auction or by tender under the provisions of this Act is equal to the highest amount bidden or tendered for such last mentioned shares by any person not

being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such shares.

Application of premium arising on issue of shares.

18. Any sum of money which shall arise from the issue of any such 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 or bond by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Dividends on additional capital.

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

Power to borrow on mortgage.

20. The Company may when four thousand pounds part of the additional capital of twelve thousand pounds by this Act authorised has been bonâ-fide subscribed for issued and accepted and one-half thereof has been paid up borrow on mortgage of their undertaking any such sum or sums not exceeding in the whole one thousand pounds as may from time to time be authorised to be borrowed by order of a general meeting of the Company and when each additional amount of four thousand pounds beyond the first amount of four thousand pounds of the additional capital of the Company has been bonâ-fide subscribed for issued and accepted and one-half of the amount thereof respectively has been paid up the Company may borrow on mortgage as aforesaid such further sum or sums of money not exceeding in the whole one thousand pounds in respect of each such amount of four thousand pounds as may from time to time be authorised to be borrowed as aforesaid but in none of the before mentioned cases shall any part of the sums of one thousand pounds respectively be borrowed until the Company shall have proved to the justice who is to certify under the provisions of the Companies Clauses Consolidation Act 1845 before he so certifies that all the shares in respect of which the power to borrow the said sums of one thousand pounds respectively hereby granted is then sought to be exercised have been issued and accepted and that one-half thereof together with the premium (if any) realised on the sale thereof has been paid up and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue and acceptance of such shares and

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that such shares were issued bonâ-fide and are held by the persons to whom the same were issued their executors administrators or assigns and that such persons their executors administrators 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 proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

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 by the issue of debenture stock 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 whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Existing mortgages or bonds to have priority.

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

Power to create debenture stock.

23. The Company may create and issue debenture stock at such rate of interest as they may think fit not exceeding five pounds per centum per annum 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 and bonds at any time after the passing of this Act created and issued or granted by the Company under the Act of 1869 or 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 such securities were respectively authorised) and shall have priority over all principal moneys secured by such mortgages and bonds Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages bonds and debenture

24. All moneys to be borrowed by the Company on mortgage or raised by debenture stock under the provisions of this Act shall have priority against the Company and the property for the time being of

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the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act But 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 Acts 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 bonds or debenture stock nor shall anything hereinbefore contained affect any claim in respect of land taken used or occupied by them for the purposes of this Act or injuriously affected by the exercise of the powers of this Act.

stock over other debts.

25. Section 18 (arrears may be enforced by appointment of a receiver) of the Act of 1869 is hereby repealed but without prejudice to any (if any) appointment heretofore made or to any (if any) proceedings pending at the passing of this Act and in lieu thereof 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 in the whole than two thousand pounds.

For appointment of a receiver.

26. All moneys raised under this Act by the Company whether by shares or debenture stock or by borrowing shall after payment of all costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act be applied solely to the purposes of this Act and of the Act of 1869 to which capital is properly applicable.

Application of moneys.

27. The Company may subject to the provisions of this Act (but only for the purposes of the Company and not so as to acquire any exclusive right therein) contract for take and use any leave license or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privileges of working using or vending any invention in relation to the manufacture production and distribution of gas or the conversion manufacture utilization or distribution of the products obtained from the manufacture of gas or the materials used in or resulting from the manufacture of gas or in relation to the manufacture of meters and other fittings apparatus and things in which the Company are or may be authorised in any way to deal.

Power to take licenses.

28. Sections 32 and 34 of the Act of 1869 are hereby repealed and in lieu thereof be it enacted that the several provisions of the

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Gasworks Clauses Act 1871 respecting the testing apparatus and gas supplied by the Company and the rules prescribed in Parts I. and II. of the Schedule A to that Act shall respectively apply to the Company.

As to illuminating power &c.

29. Section 30 of the Act of 1869 is hereby repealed and for the purposes of the application of the Gasworks Clauses Act 1871 to the undertaking of the Company the following provisions shall have effect (that is to say):—

(1.) The prescribed number of candles shall be 15.

(2.) The prescribed burner shall be the burner known as "Sugg's London argand No. 1" and with a glass chimney six inches long and $1\frac{7}{8}$ of an inch in diameter.

(3.) The prescribed testing place shall be that provided by the Company pursuant to section 31 of the Act of 1869.

(4.) Until the formation of a local board for the parish or district of Walton-on-Thames the vestry of Walton-on-Thames shall be deemed to be a local authority for the purposes of this section.

Price of gas.

30. Section 29 of the Act of 1869 is hereby repealed and in lieu thereof be it enacted that the price to be charged by the Company for gas supplied to persons who shall burn the same by meter shall not exceed five shillings per thousand cubic feet Provided that this section shall not come into operation until the first day of January one thousand eight hundred and eighty-eight.

Pressure of gas.

31. 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 at not less than six-tenths of an inch and from sunset to midnight at 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 and at any time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Period of error in defective meters.

32. In the event of any meter used by a consumer of gas being tested in manner provided by the Act passed in the session of Parliament held in the twenty-second and twenty-third year of the reign

of Her present Majesty intituled "An Act for regulating measures used in sales of gas" and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have arisen only during the current quarter of the year in which the said meter shall be so tested unless the contrary shall be proved to the satisfaction of the inspector testing the said meter under the said Act.

The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company in pursuance of the certificate of the inspector shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in any court of competent jurisdiction for the recovery of debts of like amount.

Power to refuse to supply to persons in debt for other property.

33. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by them without paying to them all gas or meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pay the same.

Repeal of sections 37 and 38 of Act of 1869.

34. Sections 37 and 38 of the Act of 1869 are hereby repealed.

Nature of security to be given by consumer.

35. The security to be given to the Company by any owner or occupier pursuant to the Gasworks Clauses Act 1871 section 11 shall if so required by the Company be a money deposit with them of a sufficient amount to cover the estimated probable consumption of gas by such owner or occupier in the ensuing quarter and such estimated probable consumption may be based upon the total capacity of the consumer's meter or meters or the number and description of the lights or burners upon the said premises.

Company to pay interest on money deposited as security.

36. If any person is required by the Company to give them security for the payment of gas rents or of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands subject however to the right of the Company to set off the same against any money due to the Company from such person.

Differences with railway and other companies.

37. Except as herein otherwise provided if any difference arise between the Company and any railway or other company whose lands or works the Company have power to cross under the authority of this Act or the Act of 1869 for the purposes of meeting the demands for gas within their limits of supply as to the mode of laying down repairing altering or enlarging their pipes or the facilities to be afforded for the same every such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party and the costs of and attending such difference shall be in

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the discretion of such engineer and shall be borne and paid as he may direct.

As to proceedings in bankruptcy on behalf of the Company.

38. If any person against whom the Company have any claim or demand under this Act for gas rents or otherwise becomes bankrupt or enters into any liquidation by arrangement or composition with creditors any person appointed for that purpose by the directors or secretary of the Company may represent the Company and act in their behalf in all respects as if the claim or demand of the Company were the claim or demand of such person and not of the Company.

Notice by consumers of intention to discontinue gas supply.

39. Any consumer desiring to discontinue a supply of gas on any premises where a meter has been fixed for his use or intending to quit possession of such premises shall give to the Company forty-eight hours' notice in writing of such his desire or intention and on neglect of giving such notice shall be liable to pay and shall pay to the Company for all gas registered by such meter up to and until forty-eight hours after the Company shall have received a written notice that such consumer has discontinued the use of the gas supplied or the Company are informed that he has actually quitted such premises as the case may be.

Expenses of Act.

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

THE SCHEDULE to the foregoing Act.

A piece of land containing 1A. 0R. 28P. or thereabouts situate in the parish of Walton-on-Thames bounded on or towards the north partly by land lately belonging or reputed to belong to Alfred Cooper and now vested in Richard William Cooper and partly by land belonging or reputed to belong to Mrs. Newton on or towards the south by land belonging or reputed to belong to John Rodgers and partly by the road or lane leading from Back Street to the said piece of land now being described on or towards the east by land belonging or reputed to belong to the said Mrs. Newton and on or towards the west by land belonging or reputed to belong to the Company.

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