ANNO UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. xv.

An Act to amend and enlarge the Provisions of an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for better supplying with Gas the City of* Worcester *and the Suburbs thereof*, and to enable the *Worcester* New Gaslight Company incorporated by the said Act to raise a further Sum of Money. [9th *June* 1848.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for better supplying with Gas the City of* Worcester *and the Suburbs thereof*, whereby certain 9 & 10 Vict. c. 217.
Persons were incorporated by the Name of "The *Worcester* New Gaslight Company," and were empowered to light with Gas the District included within the Limits of the said Act: And whereas the said Company have proceeded to carry the Powers of the said Act into execution, and in pursuance of Powers for that Purpose therein contained have purchased the Houses, Lands, Plant, Works, Mains, Pipes, Stock, and Property of a Company in the said Act mentioned called "The Worcester Gaslight and Coke Company," but a Portion of the Purchase Money for such Works still remains

unpaid: And whereas the Works, Mains, and Pipes so purchased as aforesaid are insufficient for the proper Supply of the District within the Limits of the said Act: And whereas the Capital which the Company are authorized to raise under the Powers of the said Act is insufficient to pay the Remainder of the Purchase Money for the said Gasworks so purchased as aforesaid, and also to meet the additional Outlay necessary for enlarging the said Works and effectually lighting the whole of the District within the Limits of the said Act: And whereas it is expedient that the said Company should be enabled to raise an additional Sum of Money, and that some of the Provisions of the said recited Act should be altered, amended, and enlarged; but the same 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, That all the Provisions, Matters, and Things contained in the said recited Act, and now remaining in force, (except such of them as are by this Act repealed, altered, or otherwise provided for, or are inconsistent with the Provisions of this Act,) shall extend to this Act, and shall be in force in respect to the Objects and Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if such Provisions, Matters, and Things were repeated and re-enacted in this Act with express Reference to the Objects and Purposes thereof; and the said recited Act and this Act shall as to all Matters and Things whatsoever (except as aforesaid) be read and construed together as One Act.

Powers of recited Act to extend to this Act, except as hereby altered.

Power to raise additional Money by Creation of new Shares.

II. And be it enacted, That it shall be lawful for the Company from Time to Time by an Order of any Meeting thereof to raise by the Creation of new Shares, in addition to any Sums which they have raised and are entitled to raise under and by virtue of the said recited Act, any Sum or Sums of Money not exceeeding in the whole the further Sum of Ten thousand Pounds.

New Shares to be considered same as original Shares.

III. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company, and such new Capital and new Shares shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if such Capital had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit, and except as herein otherwise provided.

If old Shares at a Premium, new Shares to be offered to original Shareholders.

IV. And be it enacted, That if at the Time of any Augmentation of Capital taking place by the Creation of new Shares the then existing Shares of the Capital of the Company shall be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Shareholders

Shareholders in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter, under the Hand of the Secretary of the Company, given to or sent by Post addressed to each Shareholder according to his Address as entered in the Shareholders Address Book, or left at his usual or last known place of Abode in *England;* and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the due Course of Delivery ought to reach the Place to which it shall be addressed.

Shares to vest in Parties accepting; otherwise to be disposed of by the Company.

V. And be it enacted, That such new Shares so to be created shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time or Times and by the Instalments which shall be fixed by the Company; and if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, and to pay 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.

Directors may permit Shareholders to take new Shares after Time specified, in case of their Absence abroad, &c.

VI. Provided always, and be it enacted, That it shall be lawful for the Directors, in case they shall think proper so to do, but not otherwise, to permit any Shareholder who from Absence abroad or from any other Cause satisfactory to the Directors may have omitted or neglected (within the Time limited by this Act) to signify his Acceptance of the new Share or Shares which may have been offered to him, or to which he may be entitled by virtue of this Act, to accept such Share or Shares, and to pay for each such Share the Sum at which the same shall have been allotted to him, notwithstanding the Time limited for such Acceptance or for the Payment of such Sum may have expired.

If not at a Premium, to be issued as Company may think fit.

VII. And be it enacted, That if at the Time of any such Augmentation of Capital taking place the existing Shares of the Capital of the Company shall not be at a Premium, then such new Shares may be of such Amount, and may bear such annual Sums for Interest or Dividends on the same, for such Period, and may be issued in such Manner, and may be sold and disposed of at such Price, payable at such Times and by such Instalments, as the Company shall think fit.

Rights of new Shareholders to be in proportion to the Value of new Shares.

VIII. And be it enacted, That every Person who shall become entitled to any new Share to be created under this Act shall in respect of the same Share be a Shareholder in the Undertaking, and shall, unless the Rate of Interest or Dividend payable in respect of such Share shall be stated thereon, be entitled to a Share of the Dividends of the Company in the Proportion which the Amount paid up on such new Shares shall bear to the aggregate Amount of the paid-up Capital of the Company for the Time being in respect whereof such Dividends shall be payable; and such new Shares shall also confer on the respective Holders or Proprietors thereof Rights of Voting and Qualifications in proportion to the aggregate nominal Value of such Shares, and not in proportion to the Number thereof; and

and for such Purposes every entire Sum of Ten Pounds of such nominal Value shall be considered as equivalent to One Share of Ten Pounds created under the said recited Act; and no Shareholder shall vote in respect of any Number of such new Shares which shall constitute a less Interest in the Capital of the Company than Ten Pounds.

Transfer not to be made until Calls paid.

IX. And be it enacted That no Shareholder in the Company shall be entitled to transfer any Share after any Call shall have been made in respect thereof until he shall have paid such Call, nor until he shall have paid all Calls for the Time being due on every Share held by him.

Power to borrow Money on Mortgage, &c.

X. And be it enacted, That after the whole Sum authorized by this and the said recited Act to be raised by Shares shall have been subscribed for, and One Half of the Sum by this and the said recited Act authorized to be raised by Shares shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of an Ordinary or Extraordinary Meeting of the Company, not exceeding in the whole, in addition to the Sum authorized to be borrowed by the said recited Act, the Sum of Five thousand Pounds, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage of the Undertaking and the future Calls on the Shareholders, or by Bond, as by the said recited Act provided, and subject to the several Provisions therein contained, or such of them as are applicable to the Monies thereby authorized to be raised on Mortgage or Bond, and the Securities thereby authorized to be granted in respect of the same.

Reborrowing.

XI. And be it enacted, That if, after having borrowed any Part of the Money by this Act authorized to be borrowed on Mortgage or Bond, the Company shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of an Ordinary or Extraordinary Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Mortgage or Bond.

Mortgages in force at passing of this Act to have Priority.

XII. 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.

Proof of Debts in some Cases of Insolvency.

XIII. And be it enacted, That it shall be lawful for the Secretary or Treasurer of the Company to represent the Company and act in their Behalf in all Cases in which any Person against whom the Company shall have any Claim or Demand, or the Estate or Effects of any such Person, shall be brought under the Operation of any Act relating to Insolvent Debtors, in like Manner as if such Person had taken the Benefit of such Act, or as if such Claim or Demand had been

been the Claim or Demand of such Secretary or Treasurer, and not of the Company.

Quarter Sessions may order Costs in certain Cases to be paid by Petitioners.

XIV. And be it enacted, That if any Inhabitant resident within the Limits of the said recited Act shall, under the Power for that Purpose contained in the said recited Act, apply by Petition to the Justices assembled at the Quarter Sessions of the Peace for the City and Borough of *Worcester* to nominate and appoint some Accountant or other competent Person, not being a Proprietor in any Gas Company, at the Expense of the Company, to examine and ascertain the actual State and Condition of the Concerns of the Company, and to make Report thereof to the said Justices; and if it shall upon the Examination of such Accounts appear to such Justices that there was no sufficient Ground for presenting such Petition, the said Justices may, if they think fit, order the Petitioner to pay the whole or any Part of the Costs of or incident to such Petition (the Amount thereof to be ascertained and determined by such Justices); and the Costs so ordered to be paid shall be recoverable in the same Way as Damages are recoverable under the said recited Act, or the Companies Clauses Consolidation Act incorporated therewith.

Power for the Company, with the Consent of the Town Commissioners to alter Arrangement of public Lamps, &c.

XV. And whereas by the said recited Act it was enacted, that during such Time as the Company should furnish any private Houses with Gas the Company should find, provide, set up, and light with Gas, at their own Expense, Six Lamps, with Three Burners to each, in such Parts of the City contiguous to such private Houses so furnished with Gas as aforesaid as the Commissioners therein-after named should appoint, the same to be lighted for such Nights and in such Manner as had been theretofore usual with the Lamps lighted with Oil; be it enacted, That it shall be lawful for the Company, with the Consent of the Commissioners in the said Act referred to from Time to Time to alter the Number of Lamps to be put up by the Company, and also the Number of Burners to be used in such Lamps, and to make such other Arrangements with the said Commissioners as to the said Lamps and Burners as shall be from Time to Time agreed upon between the Company and the said Commissioners.

Company may convey Gas into Houses, &c., and charge Rental for Fittings.

XVI. And be it enacted, That if the Landlord or *bonâ fide* Owner of any House or other Place shall be desirous of having Gas conveyed to the Interior of such House or Place, and such House or Place shall be within the Distance of Ten Yards from any Main Pipe of the said Company, it shall be lawful for the Company and they are hereby required to lay down, at their own Expense, such Pipe or Pipes, Meter or Meters, and Fittings, and all other necessary Apparatus for the Purpose of introducing Gas into such House or Place, at or for such Price or Sum as may be agreed on between the Parties, or in case of Dispute as may be settled by Arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, with respect to Questions to be settled by Arbitration in the Case of the Purchase and taking of Lands otherwise than by Agreement; and the said Owner or Landlord shall pay to the Company by way of Rent for the Use of such Apparatus and Fittings any Sum not exceeding Seven Pounds Ten Shillings *per Centum per Annum* upon the Cost of such Apparatus

and Fittings, and of laying and placing the same, together with such Price for the Gas to be used there as may be agreed upon between the Parties, provided that such Price shall in no Case exceed the Rate limited in the recited Act and this Act.

Company alone to interfere with Meters.

XVII. And be it enacted, That it shall be lawful for the Company to enclose and secure all and every Meter or Meters in use for ascertaining the Quantity of Gas consumed or supplied in such Manner and by such Means as they may think proper; and no Person, other than the Company, or the Manager, Workmen, or Servants of such Company, under the Inspection of the Person consuming such Gas, shall remove, injure, damage, or otherwise interfere with such Meter or Meters, under the Penalty of any Sum not exceeding Five Pounds for every such Offence.

Fixing Maximum Price of Gas.

XVIII. And be it enacted, That the Company shall cause a true and particular Account to be kept, and annually made up to the First Day of *July* or some other convenient Day in each Year, being Ten Days at least before the Day for holding the Ordinary General Meeting of the Company, of the total Quantity of Gas charged to the Consumers of the Gas by the Company in such Year, and such Account, signed by the Secretary of the Company, shall be annually laid before the Justices assembled at the Quarter Sessions of the Peace for the City and Borough of *Worcester* next after the Time of making up such Account, and be filed with the Clerk of the Peace of the said City and Borough; and when it shall appear from such Accounts that the Quantity of such Gas in any Year shall amount in the whole to Thirty Millions of Cubic Feet of Gas, the Maximum Price of the Gas shall not exceed Five Shillngs and Sixpence *per* Thousand Cubic Feet of Gas; and when it shall appear from such Accounts that the Quantity of such Gas in any Year shall amount in the whole to Thirty-six Millions of Cubic Feet of Gas, the maximum Price of the Gas shall not exceed Five Shillings *per* Thousand Cubic Feet of Gas; and when it shall appear from such Accounts that the Quantity of such Gas in any Year shall amount in the whole to Forty-two Millions of Cubic Feet of Gas, the maximum Price of the Gas shall not exceed Four Shillings and Sixpence *per* Thousand Cubic Feet of Gas; and when it shall appear from such Accounts that the Quantity of such Gas in any Year shall amount in the whole to Forty-eight Millions of Cubic Feet of Gas, the maximum Price of the Gas shall not exceed Four Shillings *per* Thousand Cubic Feet of Gas: Provided always, that nothing herein contained shall increase the Amount of Profit which under this Act, or any Act incorporated herewith, is directed or authorized to be received by the Company or the Shareholders, beyond the Rate in such Act specified.

Short Title.

XIX. And be it enacted, That in citing this Act in other Acts of Parliament, or in legal Instruments or Proceedings, it shall be sufficient to use the Expression, "The *Worcester* New Gaslight Amendment Act, 1848."

Application of Monies.

XX. And be it enacted, That the Monies to be raised by virtue of this Act shall be applied, in the first place, and in preference to any other

other Payment, in paying and discharging all Costs and Expenses incurred in obtaining this Act, and all Expenses incident thereto, and secondly, in carrying the Purposes and Objects of the said recited Act and of this Act into execution, in such Manner as the Directors of the Company shall think fit.

Public Act.

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

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