



CHAPTER xxvi.

An Act for conferring further powers upon the Morley Gas Company.

A.D. 1889.

[24th June 1889.]

WHEREAS by the Morley Gas Act 1848 (herein-after called "the Act of 1848") the Morley Gas Company (herein-after called "the Company") were incorporated for the purpose of lighting with gas the township of Morley in the parish of Batley in the West Riding of the county of York and various powers were conferred upon them in that behalf:

And whereas by the Morley Gas Act 1868 (herein-after called "the Act of 1868") further powers were conferred upon the Company and the limits of the Company for the supply of gas were extended and their capital was defined:

And whereas the authorised capital of the Company is forty-six thousand one hundred pounds of which forty-one thousand four hundred and sixty-eight pounds has been paid up and expended:

And whereas the demand for gas within the limits of the Company for the supply thereof has of late years greatly increased and the Company are largely extending their works and will be compelled to further extend them and it is expedient that the Company should be authorised to acquire additional lands for that purpose and that further powers should be conferred upon the Company as herein-after provided and their capital should be increased:

And whereas it is expedient that the aforesaid Acts of 1848 and 1868 should be amended and that further powers should be conferred upon the Company as herein-after provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the Morley Gas Act 1889.

Short title.

[Price 9d.]

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 —
 Incorporation of
 general Acts.

2. The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (except the provisions of the said Act of 1845 relating to the entry upon lands by the promoters of the undertaking and to the purchase and taking of lands otherwise than by agreement) the Gasworks Clauses Act 1847 :

And 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 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 :

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are (except where expressly varied by this Act) incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall subject to the provisions of this Act apply to the undertaking of the Company as if the same had been authorised by this Act.

Interpre-
 tation of
 terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction and in construing for the purposes of this Act the Acts so incorporated herewith the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. Notwithstanding anything in sections 7 or 21 of the Act of A.D. 1889. 1848 contained the Company may purchase and take by agreement and may hold the lands described in Part III. of the schedule to this Act (in addition to the lands now belonging to them and respectively described in Parts I. and II. of that schedule) and subject to the provisions of this Act may from time to time maintain alter improve and renew or discontinue their existing gasworks upon the lands on which the same are erected or in course of erection or any part thereof and which are described in Parts I. and II. of the said schedule and upon such lands and also upon the aforesaid lands described in Part III. of that schedule may erect construct lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks and works for the manufacture and storage of gas and for the manufacture conversion utilisation and distribution of materials used in or residual products resulting from such manufacture together with all necessary retorts gasholders receivers drains sewers mains pipes machinery and other works and apparatus and conveniences and do all such acts as they may think proper for making and storing gas and for supplying gas within their limits for the supply of gas and make store and supply gas accordingly and manufacture sell provide supply and deal in lime coke chemicals tar pitch asphaltum ammoniacal liquor and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Power to maintain existing and to construct new works.

5. In addition to the lands described in the schedule to this Act and to the other lands now belonging or reputed to belong to the Company the Company may at any time purchase take and hold (by agreement but not otherwise) any lands not exceeding in the whole six acres which the Company may from time to time require for the purposes of their works and undertaking or any interest or easement in over or affecting any lands but no buildings other than buildings to be used in connexion with the gas undertaking shall be erected on any lands so acquired by the Company (so long as the same are held by them) and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Power to purchase additional land by agreement.

6. 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

Restriction on displacing persons of

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the labour-
ing class.

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 the expression "labouring class" includes mechanics artisans 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 such persons who may be residing with them.

Power to
raise
additional
capital.

7. 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 may from time to time raise (in addition to any capital which they may have at present power to raise) additional capital to such nominal amount as shall be sufficient to produce including the premiums if any which may be obtained on the sale thereof the sum of forty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively 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.

Privileges
&c. of the
holders of
new capital.

8. The additional capital from time to time raised by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as otherwise provided in respect of such capital by the provisions of this Act the holders of shares or stock in such additional capital shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock from time to time paid up and be subject to the like provisions forfeitures and liabilities as the holders of shares or stock in the present capital of the Company: Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Limit of
profit on
new capital

9. The Company shall not in any one year pay 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 and six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

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10. In case in any year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rates of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Dividends on different classes of ordinary capital to be paid proportionately.

11. 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 notice of the amount of the reserved price put upon such shares or stock 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 that no priority of bid or 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.

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

12. 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.

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

13. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Morley 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 circulated within the said borough.

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

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

14. 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 at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863: Provided always that any shares or stock 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 and stock created under the powers of this Act.

Application of premium arising on issue of shares or stock.

15. 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 or any debenture stock issued by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow.

16. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking 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.

17. Section 16 of the Act of 1868 (Arrears may be enforced by appointment of receiver) is hereby repealed but without prejudice to any appointment heretofore made or to 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: And 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 two thousand pounds in the whole.

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18. 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 share capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

19. 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 or granted by the Company under any previous Act 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 the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

20. All mortgages and bonds granted by the Company under 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 have priority over any mortgages granted or debenture stock issued by virtue of this Act.

Priority of existing mortgages.

21. All money to be raised by the Company under the provisions of this Act on mortgage or by the issue of debenture stock 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 rent-charge 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^s 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.

Priority of mortgages and debenture stock over other debts.

22. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes

Application of moneys.

A.D. 1889. of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Reserve fund.

23. Section 20 of the Act of 1848 is hereby repealed and a sum equal to one-tenth of the actual amount of the share capital of the Company for the time being shall be the prescribed amount of the reserve fund.

Scale of voting.

24. Section 19 of the Act of 1848 is hereby repealed and from and after the passing of this Act at all general meetings of the Company every shareholder or stockholder shall be entitled to vote according to the following scale (that is to say):—

For every ten pounds (nominal value) of the capital of the Company (whether shares or stock) up to one hundred pounds (nominal value) one vote and an additional vote for every fifty pounds (nominal value) of the capital of the Company whether shares or stock beyond such first one hundred pounds held by him up to one thousand pounds (nominal value) and an additional vote for every one hundred pounds (nominal value) of the capital of the Company whether shares or stock beyond such one thousand pounds held by him.

Qualification of directors.

25. Section 26 of the Act of 1868 is hereby repealed and the qualification of a director of the Company shall be the possession in his own right of shares or stock in the capital of the Company of not less nominal value than two hundred pounds: Provided always that nothing in this section contained shall during the space of six months after the passing of this Act be held to disqualify any of the present directors of the Company who but for the passing of this Act would be duly qualified.

Repeal of section 18 of the Act of 1848.

26. Section 18 of the Act of 1848 is hereby repealed and for the purposes of section 70 of the Companies Clauses Consolidation Act 1845 the prescribed number of shareholders shall be twenty and the prescribed amount of shares to be held by them shall be one-twentieth of the capital of the Company.

Limiting price of gas.

27. Section 25 of the Act of 1868 is hereby repealed and from and after the 30th day of June 1889 it shall not be lawful for the Company to charge for gas consumed by meter any price exceeding four shillings for every thousand cubic feet consumed and so in proportion for every smaller quantity.

Pressure of gas.

28. All gas supplied by the Company to any consumer of gas (except to consumers in such part of the district within the Company's limits of supply as is situate more than one-quarter of a mile to the south of the Wakefield and Bradford Turnpike road) 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 to any consumer of gas in such part of the district within the Company's limits of supply as is situate more than one-quarter of a mile to the south of the Wakefield and Bradford Turnpike Road shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than four-tenths of an inch and from sunset to midnight not less than five-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.

29. Sections 20 to 23 both inclusive of the Act of 1868 are hereby repealed and for the purpose 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 sixteen:
- (2) The prescribed testing place for the purpose of the 28th section of the Gasworks Clauses Act 1871 shall be the testing place existing at the offices of the Company from time to time: and
- (3) The prescribed burner shall be an argand twenty-four hole burner with a seven-inch chimney or such other burner and chimney as may from time to time be approved by the Board of Trade.

30. Where the Company deem it necessary so to do they may require prepayment for gas required to be supplied for a period of six months or any shorter period and in such case may refuse to supply gas unless the estimated cost thereof for such period as the Company may from time to time fix be prepaid and at the end of each such period the Company shall be paid or shall repay any excess or deficiency of money actually payable for gas so supplied and the Company shall pay or allow interest after the rate of not less than four pounds per centum per annum on every sum of ten shillings so prepaid during each such period as aforesaid.

Prepayment
in certain
cases.

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Power to
supply gas
fittings
engines and
other
apparatus.

31. The Company may manufacture purchase provide or hire and may supply sell or let burners tubes and stoves or ranges for heating or cooking by means of gas and any other materials or fittings for the use of gas for domestic or other purposes and also engines and machines for domestic manufacturing industrial or any other purposes whatever to be worked by means of gas for the production of motive power and any materials or fittings to be used in connexion therewith and charge for any stoves engines machines fittings and other things supplied sold or let under the powers of this Act such price rent or sum as may be agreed upon between the Company and the other party to any such agreement.

Power to
take licenses

32. Subject to the provisions of this Act the Company may (but only for the purposes of the Company within their limits of supply and not so as to acquire an exclusive right therein) contract for take and use any leave license or authority to work use exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture or distribution of gas or the conversion or utilisation of the products obtained from the manufacture of gas or the materials used therein.

Company to
receive
notice from
consumer
of gas for
discon-
tinuance.

33. A notice to the Company from a consumer for a discontinuance of a supply of gas shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Company.

Representa-
tion of the
Company in
bankruptcy
&c.

34. In proceedings under any bankruptcy or assignment for the benefit of creditors or deed of composition or arrangement the secretary of the Company or any director or any person appointed by two directors by writing under their hands may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary director or person and not of the Company.

Auditors
need not be
shareholders.

35. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Power to
refuse to
supply per-
sons in debt
for other
property.

36. 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 or other moneys due from him to the Company they may refuse to furnish to him a supply of gas until he pay the same.

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

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Period of
error in
defective
meters.

38. 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.

Expenses
of Act.

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The SCHEDULE referred to in the foregoing Act.

PART I.

(1) A plot of land in the parish of Batley and county of York on which the Company's present works are situate containing one acre two roods and five perches or thereabouts bounded on or towards the north and west by land belonging to the London and North-Western Railway Company on or towards the south by a road known as the Valley Road and on or towards the east by land belonging or reputed to belong to the Valley Mill Company.

PART II.

(2) A plot of land in the said parish on which the Company are now erecting works containing two acres and thirty-seven perches or thereabouts situate immediately to the south of a now disused colliery known as the Dartmouth Colliery and bounded on or towards the east and north by land belonging or reputed to belong to the Earl of Dartmouth on or towards the west by the siding called or known as Lister's siding leading from the London and North-Western Railway to the said Dartmouth Colliery and on or towards the south by the land described in Part III. of this schedule.

PART III.

(3) A plot of land in the said parish containing four acres and nine perches or thereabouts adjoining and on the northern side of the said London and North-Western Railway extending northwards from that railway for a distance of 125 yards or thereabouts and bounded on or towards the north by the land belonging to the Company described in Part II. of this schedule on the west by the aforesaid siding called or known as Lister's siding and on the east by land belonging or reputed to belong to the Earl of Dartmouth.

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