



ANNO VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. xciv.*

An Act to re-incorporate “The *Gomersal* Gaslight Company, Limited;” to authorize the raising of additional Capital; and for other Purposes.

[19th *June* 1865.]

**W**HEREAS in the Year One thousand eight hundred and forty-seven certain Persons formed themselves into a Company, under the Name of “The *Gomersal* Gaslight Company,” for the Purpose of supplying the Township of *Gomersal* in the County of *York*, and the Neighbourhood thereof, with Gas, and generally of carrying on the Business usually carried on by Gas Companies: And whereas the Affairs of the said existing Company are now regulated by a Deed of Settlement bearing Date the Twenty-fifth Day of *October* One thousand eight hundred and forty-seven, and made between the several Persons whose Names and Seals are thereunto subscribed and affixed (except the therein-after named *William Ackroyd*) of the First or one Part, and *William Ackroyd* of *Birkenshaw* in the Township of *Gomersal* in the County of *York*, Worsted Manufacturer, (Trustee on behalf of the Company therein-after mentioned,) of the Second or other Part: And whereas on the Fourth Day of *November* One thousand eight hundred and forty-seven the said Company was completely registered pursuant to the

[*Local.*]

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Public

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Public Act Seventh and Eighth *Victoria*, Chapter One hundred and ten: And whereas on the Fourteenth Day of *October* One thousand eight hundred and fifty-six the said Company became incorporated, and was duly registered by the Name of "The *Gomersal* Gaslight Company (Limited)" under "The Joint Stock Companies Act, 1856," and it is now under that Act a limited Company: And whereas by the said Deed of Settlement it was provided that the Capital of the said Company should be Two thousand Pounds, in Four hundred Shares of Five Pounds each, and that such Capital might from Time to Time be increased as therein-after provided to an Amount not exceeding with the said Sum of Two thousand Pounds the Sum of Four thousand Pounds, and that the Directors might borrow Money to any Extent not exceeding Two thousand Pounds beyond the Capital of the Company for the Time being actually paid up: And whereas under the Powers of the said Deed of Settlement the Capital of the said Company has been increased by the Sum of One thousand eight hundred and seventy-five Pounds, divided into Three hundred and seventy-five Shares of Five Pounds each, and the whole Capital now consists of the Sum of Three thousand eight hundred and seventy-five Pounds, divided into Seven hundred and seventy-five Shares of Five Pounds each, all paid up in full: And whereas the Directors have borrowed on Bond the whole of the said Sum of Two thousand Pounds authorized by the said Deed of Settlement, and they have also borrowed on their personal Security a further Sum of Five hundred Pounds for the Purposes of the Company: And whereas the existing Company, in order to meet the increasing Demands of the District, have expended out of Profits various Sums of Money, amounting together to the Sum of Two thousand seven hundred and twenty Pounds and upwards, in the Enlargement and Extension of the Works and Mains of the Company: And whereas the existing Company purchased Lands in the Township of *Gomersal*, and thereon erected Works for the Manufacture and storing of Gas, and other Works for the Purposes of the said Company, and also laid down Mains and other Pipes in the Streets and Thoroughfares of the said Township and the Environs in order to supply the same and the Inhabitants thereof with Gas, and to carry on the other Business of a Gas Company: And whereas the Demand for Gas in the Township of *Gomersal* and the Neighbourhood thereof is increasing, and in order to meet such Demand the Works, Mains, and Pipes of the Company must be enlarged and extended: And whereas additional Capital will be required by the said Company for those Purposes, and for paying off the said Sum of Five hundred Pounds borrowed on the personal Security of the Directors, and for effectually lighting the whole of the District within the Limits of this Act with Gas: And whereas the existing Company are also desirous that the Sum of Two thousand two hundred and  
twenty-

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twenty-five Pounds, Part of the said Sum of Two thousand seven hundred and twenty Pounds and upwards, expended out of Profits in the Enlargement of the Works and Mains of the Company, should also be converted into Seven hundred and seventy-five Shares of Three Pounds each, and be distributed among the present Shareholders of the said Company: And whereas the existing Company are desirous of being incorporated and regulated by Special Act of Parliament, and of being empowered to raise such additional Capital, and of having the Powers in this Act contained granted to them for the Purpose of more efficiently carrying on their said Undertaking and the general Business of a Gas Company: 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:

1. This Act may be cited for any Purpose whatever as "The *Gomersal Gas Act, 1865.*" Short Title.

2. "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," except Part IV. of that Act relating to Change of Name, "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," (except such of the Provisions thereof as relate to the Purchase of Lands otherwise than by Agreement,) and "The Gasworks Clauses Act, 1847," shall be incorporated with this Act. 8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 15., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. incorporated.

3. In construing the incorporated Acts respectively for the Purposes of this Act the Expression "the Special Act" means this Act, and the Expressions "the Works" or "the Undertaking" mean "the Gasworks and Works connected therewith by this Act vested in the Company incorporated by this Act, or which they may be authorized to execute," the Expression "the Promoters of the Undertaking" or "the Undertakers" means the Company incorporated by this Act, and the Expression "the Gasworks" includes the Gasworks and Works connected therewith by this Act vested in the said Company, as well as any Gasworks which they may construct under the Powers of this Act, unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction. Interpretation of certain Expressions in the General Acts.

4. In this Act and in the Acts incorporated herewith the Expression "the old Company" means the Company or Copartnership as constituted and existing immediately before the passing of this Act, the Expression "the Company" means the Company incorporated by this Act, the Word "Street" includes every public Street, Highway, Interpretation of certain Words in this Act.  
Bridleway,

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Bridleway, Footpath, Turnpike Road, Lane, Square, Court, Alley, Thoroughfare, Passage, or Place within the Limits of this Act, unless there be something in the Subject or Context repugnant to such Construction, and the Expressions "Superior Court" or "Court of competent Jurisdiction," or any other like Expression in this Act or the Acts 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 or Demand created by Statute, and other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act.

10 & 11 Vict.  
c. 15. to  
apply to ex-  
isting Works.

5. "The Gasworks Clauses Act, 1847," shall be held applicable as well to the Mains, Pipes, and Works of the old Company already laid down and constructed and vested in the Company by this Act as to the Mains, Pipes, and Works to be hereafter laid down and constructed by the Company.

Limits of  
Act.

6. The District comprised within the Limits of this Act for the Purposes of the Company shall be and include that Part of the Township of *Gomersal* which is comprised within the several Ecclesiastical Districts of *St. Paul's*, *Birkenshaw*, *St. Mary's*, *Gomersal*, and *St. John's*, *Cleckheaton*, all in the Parish of *Birstal* in the West Riding of the County of *York*, and also a Parcel of Ground situate in the District of the *Birstal* Local Board in the said Township of *Gomersal* containing Seven hundred and fifty-nine Square Yards or thereabouts, purchased by the old Company for the Purposes of the said Undertaking in the Year One thousand eight hundred and sixty from one *Joshua Walker*, and now in the Possession or Occupation of the old Company, and also the whole of the Township of *Hunsworth* in the said Parish of *Birstal*, except the Districts or Hamlets of *East Bierley* and *Toftshaw*.

Re-incorporation of  
Company.

7. The several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the old Company, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes herein-after mentioned, and shall be incorporated by the Name of "The *Gomersal* Gas Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and may sue and be sued at Law and in Equity, and shall have Power from Time to Time to purchase, take on Lease or rent, and hold and sell Lands for the Purposes of the said Undertaking, and shall be governed and regulated by and in accordance

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accordance with the Provisions of this Act and the Acts incorporated herewith.

8. The Company shall be established for the Purpose of supplying Gas within the Limits of this Act, and also for the dealing in Coke, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Matters, the Products of the Coal or other Materials which may be employed in the Manufacture of such Gas, and also for letting and selling or dealing in Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks, or with the Supply of Gas to the Consumers thereof, or with the general Business of a Gas Company, in such Manner as the Company may think proper.

Purposes of the Company.

9. All the Lands, Erections, and Buildings purchased by or for the old Company, or conveyed to the old Company, or to any Trustees on their Behalf, for the Purposes of the said Undertaking, and now belonging to the old Company, and all and every the Gasworks, Gasometers, and other Works, Mains and Pipes, Plugs, Pedestals, Pillars, Posts, Lamp Brackets, Lamp Burners, Apparatus, Matters, and Things, and all other Property whatsoever at the Time of the passing of this Act belonging to the old Company, or to any Trustees on their Behalf, for the Purposes of the old Company, shall be and the same and each and every of them are and is hereby vested in the Company incorporated by this Act.

Present Property of the old Company vested in the Company incorporated by this Act.

10. Subject to the Provisions of this Act, the said Deed of Settlement shall, as to any future or prospective Operation thereof, from and after the passing of this Act be wholly void and of non-effect, and the Company be exempted from all the Provisions, Restrictions, and Requirements of "The Joint Stock Companies Acts, 1856, 1857," and the several Persons who shall have executed such Deed, or any Deed of Covenant or other Deed accessory thereto, and their Heirs, Executors, and Administrators, shall, immediately after the passing of this Act, be by virtue thereof released from any future Obligation to observe or conform to the said Deed of Settlement, or the Covenants therein contained, or any of them: Provided always, that nothing herein contained shall release any Person from any Liability or Obligation in respect of any Breach of the Provisions of the said Deed of Settlement which may have been incurred prior to the Date of the passing of this Act, but such Liability or Obligation shall subsist and may be enforced accordingly under and according to the Provisions of the said Deed.

Deeds of Settlement to be void without Prejudice to Remedies for antecedent Breaches thereof.

11. Provided also, That the Company may waive the Compliance with the Provisions of the said Deed of Settlement in respect of any Act, Default, Matter, or Thing which, prior to the Date of the

Company may waive antecedent Breaches, or

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passing

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not, at their  
Discretion.

passing of this Act, shall have been done, made, executed, committed, or omitted in breach of the Provisions of the said Deed.

Contracts  
prior to Act  
to be bind-  
ing.

**12.** All Deeds, Contracts, Bonds, and Agreements entered into before the passing of this Act by the old Company, or by any Trustees or Persons acting on behalf of the old Company, and now in force, shall be as binding upon the Company, and be of as full Force and Effect in Law in all respects against and upon the Company, as if the same respectively had been entered into or made by the Company after the passing of this Act, and all Persons, Commissioners, and Corporations whomsoever who at the Time of the passing of this Act shall be Parties to any such Deed, Bond, Contract, or Agreement as aforesaid shall be answerable to the Company for the Performance thereof in like Manner as if such Deeds, Contracts, or Agreements respectively had been made or entered into with the Company in pursuance of this Act; and all Persons and Corporations whomsoever who, at the Time of the passing of this Act, shall stand indebted to the old Company, or to any Trustees or Persons acting on their Behalf, in any Sum of Money, shall be liable for the Payment thereof to the Company, and in case of Nonpayment thereof or of any Part thereof the Company may proceed for the Recovery thereof, and recover the same in such and the same Manner, and shall have the same Remedies in respect thereof, as are provided by this Act and the Acts incorporated herewith for enforcing the Performance of Bonds, Covenants, Contracts, or Agreements made and entered into with the Company under the Powers of this Act.

Recovery of  
Debts, &c.

Actions, &c.  
not to abate.

**13.** Nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which shall be pending against the old Company, or to which the old Company shall be Party, at the Date of the passing of this Act, but any such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by or in favour of or against the old Company, as the Case may be, in the same Manner and as effectually and advantageously as if this Act had not been passed.

Debts owing  
by old Com-  
pany at pass-  
ing of Act  
recoverable.

**14.** All Debts due and owing by the old Company at the Time of the passing of this Act may be enforced against the Company in the same Manner as if such Debts had been incurred by such Company after the passing of this Act.

Trustees of  
the Company  
to be indem-  
nified.

**15.** Every Trustee or other Person in whom or in whose Names any Lands, Erections, Buildings, or Property belonging to the old Company shall be vested at the Time of the passing of this Act, and who shall have entered into any Bond, Covenant, Contract, or Engagement in respect of or with reference to such Lands, Erections, Buildings,

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Buildings, or Property, or who shall have entered into any other Contract on behalf of the old Company, shall be indemnified and saved harmless out of the Funds or Property of the Company from all Liability, and against all Loss, Costs, Charges, and Expenses, which he may sustain, incur, or be put to by reason or in consequence of his having entered into any such Bond, Covenant, Contract, or Engagement.

**16.** All Gas Rents or Charges made by the old Company, and which at the Time of the passing of this Act shall be due or accruing due and payable, or if this Act had not passed would have accrued due and become payable, shall be payable under this Act, and shall continue to be so payable until the same shall be altered or reduced under the Authority of this Act, and may be collected and recovered by the Company by such Means, and under such Restrictions and Regulations, as any Rents or Charges to be received or demanded by the Company in pursuance of this Act may be collected or recovered.

Rates and Rents now payable to continue till altered.

**17.** All Certificates of Shares in the Undertaking of the old Company (until cancelled under the Powers of this Act), and all Sales, Transfers, and Dispositions executed before the passing of this Act of any Share in the Capital of the old Company, shall remain in as full Force as if the same had been made under this Act.

Certificate and Transfer of Shares, &c. to remain in force.

**18.** All Clerks, Officers, and Persons appointed by the old Company, and not acting contrary to the Provisions of this Act, shall hold their respective Offices and Employments, together with the Salaries and Emoluments thereunto annexed, until they shall be removed therefrom by the 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.

Officers to continue until removed.

**19.** The Book kept by the old Company for entering the Names and Designations of the Shareholders, with the Numbers of their Shares, and the Number by which such Shares are distinguished, shall continue to be kept for the same Purpose by the Company, and shall, until some other Register of Shareholders shall be provided by the Company, be considered as the Register of Shareholders required to be kept by "The Companies Clauses Consolidation Act, 1845."

Present Register of Shareholders to continue to be kept.

**20.** The

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General Meetings.

20. The First Ordinary General Meeting of the Company shall be held within Two Months after the passing of this Act, and a General Meeting shall be held in the Month of *July* in each Year; and all Meetings of the Company, whether ordinary or extraordinary, shall be held in the Township of *Gomersal*.

Shareholders may require an Extraordinary Meeting.

21. The prescribed Number of Shareholders who may require the Directors to call an Extraordinary Meeting of the Company shall be Five Shareholders holding in the aggregate not less than One Fortieth of the paid up Capital of the Company.

Quorum of Meetings of Company.

22. The Quorum for every Meeting of the Company shall be Ten Proprietors holding in the aggregate not less than One Twentieth Part of the Capital of the Company.

Notice of Meetings.

23. Eight Days Notice of all Meetings of the Company, whether ordinary or extraordinary, shall be given by Advertisement, and also by a Circular addressed through the General Post Office to or delivered at the registered or last known Residence of every Shareholder.

Newspapers for Advertisements.

24. The Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the West Riding of the County of *York*, and generally circulated in the Township of *Gomersal*.

Scale of voting.

25. The Shareholders of the Company shall be entitled at the Ordinary and Extraordinary General Meetings of the Company to vote according to the following Scale; namely, for every Share of Five Pounds One Vote, for any Number of Shares of smaller Amount than Five Pounds One Vote for every Sum of Five Pounds represented thereby, such Sum being considered as equal to One Share of Five Pounds.

Number and Qualification of Directors.

26. The prescribed Number of Directors of the Company shall be Six, and the Qualification of a Director shall be the Possession in his own Right of at least Fifty Pounds of paid up Capital of the Company.

Rotation of Directors.

27. The prescribed Number of Directors who shall go out of Office at the Ordinary Meeting in the Month of *July* One thousand eight hundred and sixty-six, and in every Year thereafter, shall be One Third of the then prescribed Number of the Directors of the Company, and in each Instance the Places of the retiring Directors shall be supplied by an equal Number of qualified Shareholders,  
every



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every retiring Director being eligible for Re-election, and every Director shall be appointed at the Ordinary or an Extraordinary Meeting of the Company, as the Case may require.

**28.** Six of the several Persons who immediately before the passing of this Act were the Directors of the old Company, to be determined by Lot amongst themselves, shall be the First Directors of the Company.

First  
Directors.

**29.** 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.

Remunera-  
tion of Di-  
rectors, &c.

**30.** A Quorum of a Meeting of the Directors shall be Three.

Quorum of  
Directors.

**31.** The Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three.

Committees  
of Directors.

**32.** If any Director shall be declared bankrupt, or shall suspend Payment, or shall compound by Deed with his Creditors, or shall be declared lunatic, then and in any such Case he shall forthwith cease to be and shall become disqualified to act as a Director.

Disqualifi-  
cation of  
Directors.

**33.** The Directors shall meet together on the First *Monday* in every Month, and at such other Times as they may from Time to Time appoint, at such Place within the Limits of this Act as may be appointed by them, and the Attendance of the Directors at each Meeting shall be noted by the Secretary, and reported by him to the General Meeting of the Company.

Meetings of  
Directors.

**34.** The Company shall annually elect One or Two Auditor or Auditors for the Purpose of auditing the Accounts of the Company, and in case the Office of such Auditor or Auditors shall before such Accounts have been audited by him or them become vacant from Death or from any other Cause, the Company shall from Time to Time appoint an Auditor or Auditors to supply such Vacancy or Vacancies.

Appoint-  
ment of  
Auditor.

**35.** The Directors may from Time to Time appoint and employ a Treasurer, Secretary or Clerk, Manager, Collector, and all such other Officers and Servants as they shall think necessary and proper, and may from Time to Time remove any of such Officers, and appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their Offices, and may out of the Funds of the Company pay such Salaries and Allowances to the said Officers as the Directors shall think reasonable.

Directors to  
appoint and  
remove  
Officers.

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**36.** After

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Capital of  
the Com-  
pany.

**36.** After the passing of this Act, and until the Capital of the Company shall be augmented under the Powers of this Act, the Capital of the Company shall be Three thousand eight hundred and seventy-five Pounds, divided into Seven hundred and seventy-five Shares of Five Pounds each, to be called "A Shares."

Existing  
Share-  
holders to  
be entitled  
to corre-  
sponding  
Capital  
under this  
Act.

**37.** After the passing of this Act every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more paid up Share or Shares of Five Pounds each in the Capital of the old Company, shall for each such Share of Five Pounds be possessed of and entitled to One "A Share" of Five Pounds in the said Capital of Three thousand eight hundred and seventy-five Pounds without making any Payment for the same, and such "A Shares" shall be and the same are hereby vested in such Persons and Corporations accordingly.

"A Shares"  
to be subject  
to the same  
Trusts as  
existing  
Shares.

**38.** All Corporations and Persons in whom any of the said "A Shares" shall be vested shall be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, upon or to which the Shares in the Capital of the old Company (in respect of which such "A Shares" so vested) were subject and liable immediately before the passing of this Act, and so as to give effect to and not revoke any Will or other Testamentary Instrument disposing of or affecting such Share or Shares.

Company to  
call in and  
cancel exist-  
ing Shares.

**39.** The Company shall call in and cancel the existing Certificates of the Shares of the old Company, and issue in lieu thereof Certificates of the substituted "A Shares" in the Form and under the Conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the Holders of such existing Certificates of Shares shall not be entitled to any Certificates of Proprietorship under this Act until they shall have delivered up to the Company to be cancelled the Certificates of Proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable Satisfaction of the Company the Loss or Destruction thereof.

Power to  
raise ad-  
ditional  
Capital.

**40.** In addition to the said Capital of Three thousand eight hundred and seventy-five Pounds, the Company may create Seven hundred and seventy-five Shares of Three Pounds each, to be called "B Shares," which shall be considered as Shares fully paid up, and shall be deemed Part of the general Capital, and be distributed amongst the Proprietors of "A Shares" in the Proportion of One "B Share" for every "A Share" held by such Proprietors.

**41.** It

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41. It shall be lawful for the Company from Time to Time, by Order of any Meeting thereof, to raise by the Creation of new Shares, in addition to the "A Shares" and "B Shares," any further Sum or Sums of Money not exceeding in the whole the Sum of Seven thousand five hundred Pounds; and any new Shares so created, to which a Preference Dividend shall be attached, shall be called "Preference C Shares;" and any new Shares to which a Preference Dividend shall not be attached shall be new Ordinary Shares, and be called "Ordinary C Shares," and such "C Shares," as well ordinary as preference, shall be considered as Part of the general Capital of the Company.

Power to raise additional Capital by the Creation of "C Shares."

42. Any "C Shares," whether ordinary or preference, which may be created under this Act, shall be of such nominal Value, not less than Five Pounds, as the Meeting creating them shall direct; but the Amount and Time of making and Payment of Calls in respect of such new Shares shall, subject as herein-after mentioned, be from Time to Time fixed and determined by the Directors of the Company as they shall think proper.

New Shares to be of such Amount as Meeting may direct.

43. And whereas there are no existing Shares in the Capital of the Company entitling the Proprietors to any Preference or Priority of Interest or Dividend: Be it enacted, That it shall be lawful for the Company from Time to Time, with the Consent of Three Fourths of the Votes of the Proprietors present, personally or by proxy, at a General Meeting or Meetings specially convened for the Purpose, to attach to the "Preference C Shares" to be created under this Act such Preference or Priority in the Payment of Interest or Dividend, not exceeding Six Pounds *per Centum per Annum* on the Amount for the Time being paid in respect of such Shares, and such other Privileges, as may be agreed upon at such Meeting or Meetings.

Power to attach Preference to new Shares.

44. Twenty *per Centum* on the nominal Value of the Share shall be the greatest Amount of any One Call which the Directors may make on or in respect of the "C Shares" to be created by virtue of this Act, and Three Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls on any One Share in any One Year shall not exceed Four Fifths of the nominal Value of such Share.

Calls on new Shares.

45. It shall not be lawful for the Company to issue any "C Share," nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than Twenty *per Centum* of the Amount of such Share shall have been paid up in respect thereof.

"C Shares" not to issue until 20 per Cent paid up.

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As to Divi-  
dends on  
"C Shares."

Limiting  
Amount of  
Profits to be  
divided  
amongst the  
Proprietors.

46. The Proprietors of the Ordinary "C Shares" shall be entitled to such Dividends as shall be from Time to Time made by the Directors out of the Profits of the Undertaking, in proportion to the nominal Value of their Shares as registered in the Books of the Company and the Amount paid thereon at the Time such Dividends respectively shall be declared: Provided always, that the Profits of the Undertaking divisible among the Shareholders of the Company shall not exceed the following Sums *per Centum per Annum* in any One Year; that is to say, as regards the "A Shares" not exceeding Ten Pounds *per Centum per Annum*, as regards the "B Shares" not exceeding Five Pounds *per Centum per Annum*, and as regards the "Ordinary C Shares" not exceeding Seven Pounds *per Centum per Annum*, on the Capital for the Time being paid up in respect of such Shares; and such Rate of Profits (respectively) shall be deemed and taken to be the prescribed Rate of Profit within the Meaning of "The Gasworks Clauses Act, 1847."

Sale and  
Distribution  
of new  
Shares.

47. The General Meeting at which any "C Shares" shall be created may direct that the whole or any Number of such Shares shall be sold by Public Auction in such Manner, in such Numbers, and at such Times, and subject to such Conditions as the Directors may from Time to Time think fit, and that the whole or any of such Shares which shall not be sold or not be directed to be sold by Auction shall be distributed in such Manner, and, subject to the Provisions of this Act, upon such Terms, as the same or any other General Meeting of the Company shall direct.

Sales by  
Auction to  
be adver-  
tised, and  
Premiums on  
such Sales  
not to be  
entitled to  
Dividend.

48. The Intention to sell any "C Shares" by Auction shall be duly advertised for Two successive Weeks, and any Sum of Money which shall arise from any such Sales by way of Premium shall not be considered as Profits of the Company, but shall be expended in paying the Expenses of this Act, or in extending or improving the Works of the Company, or in paying off Money borrowed or owing on Mortgage by the Company, and shall not be considered as Part of the Capital of the Company entitled to Dividend.

Receipts on  
behalf of in-  
capacitated  
Persons.

49. If any Money be payable to any Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his Guardian or Committee, as the Case may be, shall be a sufficient Discharge to the Company for the same.

Power to  
borrow on  
Mortgage.

50. When the whole of the additional Capital of Seven thousand five hundred Pounds by this Act authorized has been subscribed for, and One Half thereof paid up, the Company may borrow on Mortgage any Sum or Sums of Money which may from Time to Time be authorized

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authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole with the said Sum of Two thousand Pounds now owing by the Company on Mortgage the Sum of Three thousand four hundred Pounds; but no Part of such Sum shall be borrowed until the Company shall have proved to the Justice who is to certify under the Provisions contained in the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that such Capital has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than Twenty *per Cent.* of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

**51.** Every Mortgage or Security for Money, and every Transfer of any Share, Mortgage, or other Security for Money, to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated.

Mortgages,  
&c. to be  
stamped.

**52.** In order to provide for the Recovery of the Arrears of Interest due on any Mortgage to be made or entered into by the Company, be it enacted, That if such Interest or any Part thereof shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee may sue for the Interest so in arrear in any Court of competent Jurisdiction.

Power to  
sue for  
Arrears of  
Interest on  
Mortgages.

**53.** In order to provide for the Recovery of the Principal Money due on any Mortgage to be made or entered into by the Company, be it enacted, That if the Principal Money due upon any such Mortgage be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee may sue for the same, together with all Arrears of Interest, in any Court of competent Jurisdiction, or if his Debt for Principal Money amount to the Sum of One thousand Pounds he may alone, or if his Debt for Principal Money do not amount to the Sum of One thousand Pounds he may, in conjunction with other Mortgagees whose Debts for Principal Monies being so in arrear after Demand as aforesaid shall, together with his, amount to the Sum of One thousand Pounds, enforce the Payment of such Principal Monies and of all Arrears of Interest by the Appointment of a Receiver in the Manner authorized by the Provisions of "The Companies Clauses Consolidation Act, 1845," incorporated herewith.

Power to  
sue for Prin-  
cipal Monies  
secured by  
Mortgages,  
or to apply  
for a Re-  
ceiver.

[*Local.*]

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**54.** Whereas

*The Gomersal Gas Act, 1865.*

Power to  
purchase  
Lands.

**54.** Whereas the Land held by the old Company for the Purposes of their Undertaking does not exceed One Acre: Be it enacted, That it shall be lawful for the Company at any Time to purchase and hold any Quantity of Land within the Limits authorized by this Act not exceeding in the whole, together with such other Lands as may for the Time being be vested in them, the Quantity of Three Acres.

Company  
empowered  
to construct  
Gasworks,  
&c.

**55.** Subject to the Provisions in this Act 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 acquired 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, and for other Purposes authorized by this Act, and to sell, manufacture, and dispose of Coke, Produce, Refuse, and Residuum arising or to be obtained from the Materials used by the Company in the Manufacture of Gas in such Manner as the Company may think fit: Provided always, that it shall not be lawful for the Company to erect on any Part of the Land by this Act authorized to be acquired any Works for the Manufacture of Gas, or to erect on any Lands now belonging to them any Works for the Manufacture of Gas, except in connexion with the existing Gasworks of the Company, and on Lands now belonging to the Company, and forming Part of the Premises belonging to and constituting Part of the existing Gasworks of the Company.

Company not  
to be exempt  
from Lia-  
bility to  
Indictment,  
&c.

**56.** Provided always, That if the Company shall, under the Powers of this Act, manufacture or carry on any Process of Manufacture of the Produce, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas whereby a Nuisance shall be created, or whereby any Damage or Injury to adjoining Properties shall be occasioned, nothing in this Act or the Acts incorporated herewith contained shall exempt the Company from being liable to an Indictment for such Nuisance, or to any legal Proceeding for Damage or Injury to which they may be liable in consequence of carrying on any such Process of Manufacture as aforesaid.

Company to  
supply Gas  
in certain  
Event at  
Request of  
Owner or  
Occupier.

**57.** The Company shall, at the Request in Writing of any Owner or Occupier of any Premises within Two hundred Yards of which any Main Gas Pipe of the Company shall be then laid, furnish to him a sufficient Supply of Gas for such Premises, together with a Meter, and

*The Gomersal Gas Act, 1865.*

and so much of the Service Pipe as shall be necessary to communicate between the Main Pipe of the Company and such Meter: Provided, that the Expense of so much of the Service Pipe as shall be laid upon private Property, or in any other Case as shall be laid beyond Thirty Feet in Length, shall be defrayed by such Owner or Occupier; and provided further, that the Company shall not be bound to furnish such Supply of Gas, or Meter, or Service Pipe, unless such Owner or Occupier shall enter into a written Contract to continue to receive and pay for a Supply of Gas for a Period of at least Two Years, and to an Amount not being less than Twenty Pounds *per Centum per Annum* on the Outlay incurred in providing such Service Pipe and Meter; and if the Company shall by their wilful Default fail to supply the Gas within a reasonable Time after such Request, then on Proof of such Failure the Company shall be subject to a Penalty not exceeding Five Pounds.

**58.** Any Person having or requesting to have a Supply of Gas from the Company shall, if and when so required in Writing by them, and before he is entitled to have such Service Pipes and Meter provided and fixed, or to have a Supply of Gas, give to them such Security for the Payment, for a Period not exceeding One Year, of the Rate for the Gas to be supplied to him as he and the Company agree on, or as, in default of Agreement, shall be determined as by this Act provided; and the Company shall be liable to a Penalty not exceeding Five Pounds if they shall discontinue the Supply of Gas to any Person then having a Supply, unless such Person shall have failed to give to them such Security for Seven Days after the same shall have been demanded by the Company.

Security for  
Payment of  
Rate.

**59.** Where any such Person and the Company do not agree on the Security to be given, the same shall be determined by a Justice, and any single Justice shall, on the Application of the Person and the Company, or either of them, determine the Nature and Amount of the Security to be given, and the Security may, as the Justice thinks fit, be the Deposit with the Company, or with any Person approved by the Justice, or the Prepayment to the Company, of a Sum of Money, or any other Security which the Justice thinks sufficient and reasonable, and the Determination of the Justice shall be binding on all Parties: Provided that if the Security be the Deposit with the Company of a Sum of Money, the Company shall pay Interest thereon to the Consumer at such Rate and for such Time as the Justice shall determine.

Justice may  
determine  
Nature of  
Security.

**60.** The maximum Price at which Gas shall be sold by the Company to all Persons who shall burn the same by Meter shall not exceed Six Shillings for every One thousand Cubic Feet of Gas.

Limiting  
Charge for  
Supply of  
Gas by  
Meter.

**61.** Every

*The Gomersal Gas Act, 1865.*

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

**61.** Every private Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter, to be provided by the Company, unless such Consumer shall desire to provide such Meter at his own Cost, such Meter, whether provided by the Company or by the Consumer, having been first duly stamped by an Inspector appointed under the Act Twenty-second and Twenty-third *Victoria*, Chapter Sixty-six, entitled *An Act for regulating Measures used in Sales of Gas*.

Charge for Meter.

**62.** The Charge to be made by the Company to the Consumer for the Use of any Meter provided by the Company shall not be more than after the Rate of Ten Pounds *per Centum per Annum* in respect of Meters supplying Five Lights or under, and Fifteen Pounds *per Centum per Annum* in respect of Meters supplying more than Five Lights, on the Outlay incurred by the Company in providing and fixing such Meter, and such Charge shall be recoverable in the same Manner as the Rents or Sums due to the Company for Gas.

After Oct. 13, 1870, all Meters to be stamped.

**63.** From and after the Thirteenth Day of *October* One thousand eight hundred and seventy the Company shall not supply Gas through any Meter which shall not have been properly stamped under the Provisions of an Act passed in the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, entitled *An Act for regulating Measures used in the Sales of Gas*, unless by Agreement between the Company and the Consumers of such Gas.

To prevent fraudulent Consumption of Gas.

**64.** Every Person who knowingly or wilfully prevents any Meter from duly registering the Quantity of Gas supplied by the Company, or who knowingly or wilfully destroys or effaces any Stamp or Mark which is now or may be hereafter used for the stamping or marking of any Meter under any Act of Parliament, shall for every such Offence forfeit and pay to the Company a Sum not exceeding Five Pounds; and any such Prevention, Destruction, or effacing, where such Meter shall be under his Custody or Control, shall be *primâ facie* Evidence of such Knowledge on the part of the Consumer using any such Meter.

Power to remove Meter and Fittings.

**65.** It shall be lawful for the Company, after Twenty-four Hours Notice in Writing under the Hand of the Secretary of the Company to the Occupier, or if unoccupied, then to the Owner or Lessee of any Land, House, or Building in which any Pipes, Mains, Meters, or Fittings belonging to the Company are laid or fixed, and through or in which the Supply of Gas shall for any Cause be discontinued, to enter such Land, House, or Building between the Hours of Nine in the Morning and Six in the Afternoon, and to remove such Pipes, Meters,



*The Gomersal Gas Act, 1865.*

Meters, or Fittings, repairing all Damages caused by such Removal, and any such Notice shall be served by being delivered to the Person for whom it is intended, or left at his usual or last known Place of Abode, or sent by Post addressed to such Person, or if such Person or his Address be not known to the Company, then by being affixed on some conspicuous Part of such Land, House, or Building.

**66.** The Gas supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas an Hour, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles burning One hundred and twenty Grains an Hour, and shall be so far pure from sulphuretted Hydrogen as not to discolour moistened Test Paper imbued with Acetate or Carbonate of Lead when this Test Paper is exposed for One Minute to a Current of Gas issuing under a Pressure of Five Tenths of an Inch of Water.

illuminating  
Power and  
Purity of  
Gas.

**67.** The Company shall, within Twelve Months after the passing of this Act, erect in some convenient Part of their Works an experimental Meter furnished with an Argand Burner having Fifteen Holes and a Seven-inch Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, and so placed as to test all the Gas supplied by the Company, and with proper and sufficient Apparatus for testing the illuminating Power and Purity of the Gas, and the Company shall at all Times keep and maintain the experimental Meter and Apparatus in good Repair and working Order, and if and when necessary, renew the same.

Experimen-  
tal Meter.

**68.** Any Ten Persons being Consumers of Gas supplied by the Company from Time to Time by Writing under their Hands may appoint some competent Person to test the illuminating Power and Purity of the Gas, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Company, may at any reasonable Hour in the Daytime, on producing his Authority, and in the Presence of the Superintendent or other Officer of the Company, and by means of the testing Meter and other Apparatus by this Act required to be provided by the Company, test the illuminating Power and Purity of the Gas then flowing through the Mains of the Company, and the Company and their Officers and Servants shall afford all proper and sufficient Facilities for the testing.

Ten Gas  
Consumers  
may test  
illuminating  
Power of  
Gas.

**69.** If and whenever it is proved to the Satisfaction of any Two Justices, not being Shareholders of the Company, after hearing the Parties, that the illuminating Power and Purity of the Gas supplied by the Company did not, when so tested, equal the illuminating Power and Purity by this Act prescribed, or that the Company or

Penalty for  
supplying  
Gas of  
inferior illu-  
minating  
Power or  
Purity.

[*Local.*]

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their

*The Gomersal Gas Act, 1865.*

their Officers failed, on being thereunto reasonably requested, to afford the prescribed Facilities, or prevented or hindered the testing of the Gas, then and in any such Case the Company shall forfeit any Sum not exceeding Twenty Pounds as the Justices determine.

Cost of testing to abide the Event.

70. In the event of any such Penalty being imposed upon the Company, then the Costs of all Parties of and attending the testing of the Gas, including the Remuneration to be paid to the Person so testing the Gas, and the Costs of the Proceedings before the Justices, shall be ascertained by the Justices, and shall be paid with the Penalty by the Company; but in the event of no such Penalty being imposed on the Company, then the Costs shall be ascertained by the Justices, and shall be paid by the Persons signing the Appointment of the Person to test the Gas; and in either event the Costs so ascertained shall be paid or levied accordingly.

Recovery of Charges for Gas.

71. In case any Person supplied with Gas by the Company, or who shall be liable to Payment in respect of a Supply of Gas under the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Fourteen Days after Demand thereof by the Company, their Agent or Collector, it shall be lawful for any Justice to issue his Summons to such Person requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of such Person, or, in default of Appearance, after Proof of the Service of the Summons either personally or at the last known Place of Abode or of Business of such Person, no sufficient Cause be shown to the contrary, it shall be lawful for any Justice to issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person for the Recovery of the Amount which may be proved before such Justice to be due from such Person, together with such Costs, including the Costs of cutting off the Gas, if the same shall have been cut off by the Company, as to such Justice shall seem just and reasonable.

Recovery of Sums due to the Company.

72. Whenever any Person neglects to pay any Sum due to the Company, the Company may recover the same in any Court of competent Jurisdiction for the Recovery of Debts of the like Amount, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies for the Recovery of such Rate or Sum.

Liability to Gas Rents, &c. not to

73. No Justice of the Peace or Judge of a County Court shall be disqualified for acting in the Execution of this Act by reason of his

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*The Gomersal Gas Act, 1865.*

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his being liable to any Gas Rent, Meter Rent, or other Charge under this Act. disqualify  
Judge.

**74.** All the Costs, Charges, and Expenses of and attending or incident to the applying for, obtaining, and passing this Act shall be paid by the Company. Expenses of  
Act.

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