



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. lxxxvii.

An Act for authorizing the *Morley* Gas Company
to raise further Monies; and for other Purposes.

[13th July 1868.]

WHEREAS by "The *Morley* Gas Act, 1848," the *Morley* Gas Company (in this Act called "the Company") were incorporated for the Purpose of making and supplying Gas within the Township of *Morley* in the Parish of *Batley* in the West Riding of the County of *York*, and for other the Purposes of the Act, and the Capital of the Company was declared to be Five thousand Pounds, divided into One thousand Shares of Five Pounds each, and the Company were authorized to borrow on Mortgage or Bond not exceeding Two thousand five hundred Pounds: And whereas the Company have raised and expended the whole of their Share Capital of Five thousand Pounds, and have also borrowed and expended the whole of the said Sum of Two thousand five hundred Pounds which they were authorized to borrow as aforesaid: And whereas in the Year One thousand eight hundred and sixty-six the Company, under the Powers and Provisions of "The Companies Clauses Consolidation Act, 1845," raised the Sum of Two thousand five hundred Pounds for paying off the Money previously borrowed by them by creating One thousand new Shares of the Company of Two Pounds Ten Shillings each, instead of reborrowing that Sum,

11 & 12 Vict.
c. xii.

[Local.]

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Morley Gas Act, 1868.

and the Share Capital of the Company now amounts to Seven thousand five hundred Pounds in One thousand Shares of Five Pounds each and One thousand Shares of Two Pounds Ten Shillings each, and the Company have no Mortgage or Bond Debt: And whereas the Company have also expended in the Extension and Improvement of their Works the further Sum of Three thousand six hundred Pounds out of their divisible Profits, and it is expedient that that Sum should be capitalized, and the Capital representing the same divided amongst the present Holders of the Company's Shares: And whereas it is expedient that the Limits within which the Company may supply Gas should be extended and defined: And whereas the Business of the Company has largely increased and is still increasing within their now authorized Limits of Supply, and it is expedient that they should be authorized to raise further Monies as well in respect of such Increase as to enable them to supply Gas within their extended Limits of Supply under this Act: And whereas by "The *Morley Gas Act, 1848,*" the Qualification of a Director of the Company was declared to be the Possession in his own Right of Three Shares of Five Pounds each in the Undertaking of the Company, and it is expedient that that Qualification should be increased: And whereas the Objects of this Act cannot be attained 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:

Short Title.

1. This Act may be cited for all Purposes as "*Morley Gas Act, 1868.*"

8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. incor-
porated.

2. "The Companies Clauses Consolidation Act, 1845," 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," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or in part incorporated herewith have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction, and in the Acts wholly or in part incorporated herewith the Word "Share" includes "Stock," and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other Expression in this Act or any Act wholly or in part incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

4. The

Morley Gas Act, 1868.

4. The existing Share Capital of the Company, amounting to Seven thousand five hundred Pounds, is by this Act converted into Capital Stock of the like Amount, and the Sections of "The Companies Clauses Consolidation Act, 1845," numbered 62, 63, and 64, shall apply to the said Sum of Seven thousand five hundred Pounds Stock.

Conversion
of existing
Share
Capital
into Stock.

5. From and after the passing of this Act the Capital of the Company shall be Forty-six thousand one hundred Pounds, and shall consist of—

Defining
Capital of
Company.

1. The Capital Stock representing the existing Share Capital of the Company, and amounting to Seven thousand five hundred Pounds as aforesaid :
2. Additional Capital Stock of the Amount of Three thousand six hundred Pounds which shall be deemed to be fully paid up :
3. The additional Share Capital of Thirty-five thousand Pounds by this Act authorized to be raised.

6. The Capital Stock of the Company, amounting in the whole to Eleven thousand one hundred Pounds as aforesaid, is by this Act appropriated to and vested in the several Persons who immediately before the passing of this Act were the Holders of the existing Capital of the Company in proportion to their respective Holdings of that Capital.

Appropriation of
Capital
Stock.

7. Every Portion of Stock appropriated and vested by this Act as aforesaid shall be subject and liable to the same Trusts, Powers, Provisoos, Declarations, Agreements, Charges, Liens, and Incumbrances as immediately before the Commencement of this Act affected the Share or Shares of the Capital of the Company in respect of which such Portion of Stock is so appropriated and vested, and so as to give Effect to and not revoke any Testamentary Disposition of or affecting such Share.

Stock appropriated to be
subject to
the same
Trusts, &c.
as existing
Shares.

8. The Company from Time to Time, when thereunto required, shall issue to the respective Holders of the several Portions of Stock by this Act appropriated and vested as aforesaid Certificates of the Stock so appropriated and vested, and in the meantime the Certificates of the Shares of the Capital of the Company in respect of which the said Portions of Stock are so appropriated and vested shall be available for evidencing the Ownership of those Portions of Stock respectively : Provided always, that the Company shall not be bound to issue any such Certificate of Stock unless or until the Certificate or Certificates of the Shares of the Capital of the Company in respect of which the Stock is appropriated and vested has or have been

Company
may call in
and cancel
existing
Share Certi-
ficates, and
issue new
Certificates
in lieu
thereof.

Morley Gas Act, 1868.

been produced to the Company, or it has been proved to the Satisfaction of the Directors of the Company that such Share Certificate or Certificates has or have been lost or destroyed.

Rights of
Stock-
holders.

9. The several Holders of Capital Stock of the Company shall be entitled to participate in the Dividends and Profits of the Company, and to the same Privileges and Advantages for the Purpose of voting at Meetings of the Company, Qualification for the Office of Directors, and for other Purposes, as if the Stock had been formed by the Conversion or Consolidation into Stock of fully paid-up Shares of the Capital of the Company.

Receipts of
Guardians,
&c.

10. Where any Money is payable to a Shareholder, being an Infant or a Lunatic, the Receipt of his Guardian or of the Committee of his Estate (as the Case may be) shall be a sufficient Discharge to the Company for the same.

Power to
raise ad-
ditional
Capital
by new
Shares.

11. It shall be lawful for the Company, from Time to Time, with the Consent of Three Fourths of the Votes of the Shareholders present in person or by proxy at any General Meeting or Meetings specially convened for the Purpose, to raise by the Creation and issue of new Ordinary and Preference Shares, or (at the Option of the Company) by either of those Modes, such further Sum or Sums as they may think proper, not exceeding in the whole the Sum of Thirty-five thousand Pounds.

Limiting
Dividend
on Part of
Capital.

12. It shall not be lawful for the Company in any Year to make out of their Profits any larger Dividend on the additional Capital Stock, amounting to Three thousand six hundred Pounds, created by this Act, than Five Pounds in respect of every Hundred Pounds of such Stock, or a larger Dividend on the additional Share Capital of Thirty-five thousand Pounds to be raised under the Powers of this Act than Seven Pounds in respect of every Hundred Pounds actually paid of such additional Share Capital on Ordinary Shares, and Six Pounds in respect of every Hundred Pounds actually paid of such Capital on Preference Shares.

Shares not
to issue
until One
Fifth paid
up.

13. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Calls.

14. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between

Morley Gas Act, 1868.

between successive Calls, and Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

15. The Company may from Time to Time after the passing of this Act borrow on Mortgage any Sum or Sums not exceeding in the whole One thousand eight hundred Pounds, and the Company may also from Time to Time borrow on Mortgage any further Sum or Sums not exceeding in the whole Eight thousand six hundred Pounds, but no Part of that further Sum of Eight thousand six hundred Pounds shall be borrowed until the whole additional Capital of Thirty-five thousand Pounds by this Act authorized is subscribed for, issued, and accepted, and One Half thereof is 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 the whole of such additional Capital has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such additional Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Power to borrow on Mortgage.

16. 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 authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than One thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

17. The Company may create and issue Debenture Stock.

Debenture Stock.

18. All Monies raised by this Act, whether by Shares or by Stock or by borrowing, shall be applied only for the Purposes of "The *Morley Gas Act, 1848*," and of this Act, or of One of them.

Application of Monies.

19. The Limits within which the Company are authorized to supply Gas are hereby extended so as to comprise and include (in addition to the Limits of "The *Morley Gas Act, 1848*,") the Parish of *West Ardsley* in the West Riding of the County of *York*, and the

Extending Limits of Supply

[Local.]

13 N

Company

Morley Gas Act, 1868.

Company may within those extended Limits exercise and enjoy all the Rights, Powers, and Privileges which by the last-mentioned Act they are authorized to exercise and enjoy within the Limits of that Act.

Quality of
Company's
Gas.

20. After the passing of this Act all 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 *per* Hour, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per* Hour.

Company to
erect a Meter
to test
Quality of
Gas.

21. The Company shall, within Twelve Months from the passing of this Act, cause to be erected an experimental Meter fit for testing all the Gas provided by the Company, not nearer than Half a Mile to any of their Works, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus, so situated and arranged as to test the illuminating Power of all the Gas supplied to the Consumers, and 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.

Power for
Local Board
to test.

22. Any Local Board within the Limits of this Act, or any Person authorized by any such Local Board in Writing, shall at all reasonable Times in the Daytime have Access to the Testing Place, and may test there the illuminating Power of the Gas supplied by the Company in the Presence of an Officer of the Company, and the Company and their Officers shall afford all reasonable Facilities and Assistance for such testing; and if any Officer of the Company, on being thereunto reasonably requested, wilfully obstructs such testing, or fails to afford such Facilities and Assistance, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

As to testing
the Quality
of Gas.

23. It shall be lawful for Two Justices, on the Application of any Consumers of the Gas of the Company, not being less than Five in Number, by Order in Writing to appoint some competent Person to proceed to the Works of the Company, and the Person so appointed may at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power of the Gas by means of the experimental Meter and other Apparatus before mentioned,

Morley Gas Act, 1868.

mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance for the making of such Experiments; and if it shall be proved to the Satisfaction of any Two Justices, not being Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers, on being thereunto reasonably requested, wilfully refused to afford such reasonable Facilities as aforesaid, or wilfully hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the Justices shall determine under the Circumstances of the Case.

24. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Cost of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company shall be paid, together with such Penalty, by the Company, but in the event of no Penalty being imposed the Costs shall be in the Discretion of the Justices.

Cost of Experiment to be paid according to Events.

25. After the passing of this Act it shall not be lawful for the Company to charge for Gas consumed by Meter any Price exceeding Five Shillings for every Thousand Cubic Feet consumed, and so in proportion for every smaller Quantity consumed.

Limiting Price of Gas.

26. From and after the passing of this Act the Qualification of a Director of the Company shall be the Possession in his own Right of Capital Stock of the Company of the Amount of Fifty Pounds, or Shares of the Capital of the Company on which the Sum of Fifty Pounds has been paid up: 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.

Increase in Qualification of Directors.

27. In case any Person who shall have been supplied with Gas by the Company or who shall be liable to Payment in respect of a Supply of Gas, under or by virtue of 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 therein named, and then and there to show Cause why the Sum so demanded should not be paid; and if

Recovery of Charges for Gas.

on

Morley Gas Act, 1868.

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.

Expenses of
Act.

28. All the Costs, Charges, and Expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company.

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