



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. xcii.

An Act for incorporating and granting other Powers
to the *Worthing* Gaslight and Coke Company.

[13th July 1868.]

WHEREAS by a Deed of Settlement bearing Date the First Day of *July* 1835 certain Persons formed themselves into a Company under the Name of "The *Worthing* Gaslight and Coke Company" (herein-after called the Company) for supplying the Town of *Worthing* in the County of *Sussex* and the Inhabitants of the same with Gas, and for carrying on the Business usually carried on by Gas Companies: And whereas the Company have constructed Gasworks in the said Town, otherwise the District, of *Worthing* and Parish of *Broadwater*, and have laid down Mains and Pipes in the Streets and Thoroughfares of that Town, otherwise District, and also in the District of *West Worthing* in the Parish of *Heene* and the respective Neighbourhoods thereof, and they now supply the Inhabitants thereof with Gas, and carry on the Business of a Gas Company: And whereas the present Capital of the Company is Twelve thousand two hundred and fifty Pounds divided into Two hundred and forty-five Shares of Fifty Pounds each, which Capital has been paid up and expended, and the Company have in addition thereto borrowed on Security of the said Gasworks and now owe

Deed of
Settlement,
dated 1st
July 1835.

[*Local.*]

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Four

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Four thousand Pounds at Interest: And whereas the Lands belonging to the Company for the Purposes of their Gasworks are set forth in Part I. of the Schedule to this Act annexed: And whereas the Population of *Worthing* and its Neighbourhood has of late Years much increased, and the Demand for Gas now supplied by the Company is greatly increasing, and for the Purpose of supplying such Demand it is expedient that the Company when incorporated under this Act as herein-after provided be empowered to purchase Land for the Construction of additional Works, and that their Limits of Supply should be extended: And whereas a Plan describing the said Land set forth in Part II. of the Schedule to this Act, and also a Book of Reference to such Plan containing the Names of the Owner or reputed Owner, Lessee or reputed Lessee, and Occupier thereof, have been deposited with the Clerk of the Peace for the County of *Sussex*: And whereas it is expedient that the Company be incorporated, and be authorized to raise additional Capital, and to borrow further Sums of Money for the Purposes aforesaid: And whereas the Company have, under the Powers of the said Deed of Settlement, leased their existing Works to certain Lessees, and the Lease so granted will expire on the 30th Day of *June* 1869, and it is expedient that the Powers of this Act should come into operation on the Expiration of the said Lease: 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; (that is to say,)

Short Title.

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

Commencement of Act.

2. This Act shall commence and take effect on the First Day of *July* One thousand eight hundred and sixty-nine.

8 & 9 Vict.
cc. 16. & 18.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 118. in-
corporated.

3. "*The Companies Clauses Consolidation Act, 1845,*" Part 1 and Part 2 of "*The Companies Clauses Act, 1863,*" "*The Lands Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" and "*The Gasworks Clauses Act, 1847,*" are incorporated with and form Part of this Act.

Interpretation of Terms.

4. In construing the incorporated Acts respectively for the Purposes of this Act, and also in construing this Act, the Expression "*the Company*" shall mean the Company or Copartnership as constituted under the said Deed of Settlement prior to the Commencement of this Act; the Expression "*the new Company*" shall mean the Company incorporated by this Act; the Expression "*the Special Act*"

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Act" shall mean this Act; the Expression "the Works" or "the Undertaking" shall mean and include the Gasworks and Works connected therewith by this Act vested in or authorized to be maintained and made by the new Company, and all the Estate, Right, Title, Property, Privileges, and Effects of the Company therein, and any Gasworks the new Company may construct under the Powers of this Act after the Commencement of this Act; the Expression "the Promoters of the Undertaking" shall mean the new Company; and the Expression "Superior Courts" 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 common Simple Contract Debt, and not a Debt or Demand created by Statute.

5. Except as in this Act otherwise provided, the several Words and Expressions to which Meanings are assigned by the Acts incorporated herewith, or any of them, shall in this Act have the Meanings so assigned to them respectively, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction.

Same Meanings to Words in this Act as in incorporated Acts.

6. The Limits of this Act shall comprise and include the Town, otherwise District, of *Worthing*, the District of *West Worthing*, and the Parishes of *Broadwater*, *Heene*, and *West Tarring* respectively, all in the County of *Sussex*.

Limits of Act.

7. From and after the Commencement of this Act the Company called "the *Worthing* Gaslight and Coke Company" constituted under the said Deed of Settlement shall be dissolved and cease to exist, and the then Members of or Shareholders in that Company, and all other Persons who have subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a new Company for the Purpose of making and supplying Gas within the Limits of this Act, and for doing all Acts necessary for that Purpose, and for other the Purposes by this Act and the said incorporated Acts authorized, by and under the Name of "the *Worthing* Gaslight and Coke Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Incorporation of Company.

8. Subject to the Provisions of this and the incorporated Acts, the new Company may, on the Lands specified in the Schedule to this

General Powers of the Company.

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this Act annexed, make and supply Gas within the Limits of this Act, and may, subject to the Provisions of this Act, convert, manufacture, sell, and dispose of Coke, Cinders, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and all other Products, Refuse, or Residuum arising, remaining, produced by, or obtained from the Manufacture of Gas by them, or the Materials used therein, and may manufacture and sell such Articles as can be produced from or by the Means of the several Matters and Things aforesaid, and may (but only for the Purposes and within the Limits of this Act) contract for, take, and use any Leave, Licence, or Authority to work, use, exercise, or put in practice any Invention or Inventions under any Letters Patent at any Time heretofore made, or hereafter to be made, granting any Right or Privilege of working, using, exercising, or vending any Invention in relation to the Manufacture and Distribution of Gas, or the Utilization of the residual Products arising from the Manufacture of Gas, or otherwise in relation thereto, but not so as to acquire an exclusive Right to the working, Use, Exercise, or putting in practice of any such Invention or Inventions, and may also manufacture and sell, let, or deal 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 in such Manner as the new Company may think proper, and generally carry on the Business usually carried on by Gas Companies, or which is or may become incident thereto: Provided that nothing in this Act contained shall prevent the new Company from being liable to an Indictment for Nuisance, or to any other legal Proceeding to which they may be liable, in consequence of any such Operations.

Nothing
to exempt
Company
from being
indicted for
a Nuisance.

Present
Property
vested in
Company
incorporated
by this Act.

9. Subject to the Provisions of this Act, all Lands, Works, Erections, Buildings, Rights, and Easements which immediately before the Commencement of this Act were vested in the Company, or any Person or Persons in trust for them or on their Behalf, or to which the Company were in anywise entitled at Law or in Equity at the Commencement of this Act, and all Mains and Pipes, Plant, Plugs, Lamps, Irons, Retorts, Gauges, Meters, Lamp Posts, Apparatus, Stock, Effects, Matters, and Things which have been by them purchased or provided, laid down, erected, or placed in any Place or House within the Limits of this Act, or which immediately before the Commencement of this Act were the Property of or belonging to the Company, and all Monies, Securities, Credits, Effects, and other Property whatsoever belonging to the Company, or to any Trustees on their Behalf, for the Purposes of such Company, shall be and the same are hereby vested in the new Company to the same Extent and for the same Estate and Interest as the same were previously to the Commencement of this Act vested in the Company, or any Trustee or Trustees on their Behalf, and may according to the Provisions of this

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this Act be held and enjoyed, sued for, and recovered, maintained, altered, discontinued, or removed by the new Company as they may think fit.

10. Subject to the Provisions of this Act, the said Deed of Settlement shall, as to any future or prospective Operations thereof, but subject and without Prejudice to any Remedies for antecedent Breaches thereof, which Remedies may be enforced by the new Company, be from and after the Commencement of this Act wholly void and of none Effect, and the several Persons who shall have executed the same Deed, and their Heirs, Executors, and Administrators, shall immediately from and after the Commencement of this Act stand and be by virtue hereof released and discharged from any future Obligation to observe, perform, abide by, fulfil, or conform to the said Deed of Settlement, or the Covenants or Agreements therein contained, or any of them respectively.

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

11. Notwithstanding the Incorporation of the new Company and the Avoidance of the said Deed of Settlement, and except as is by this Act otherwise expressly provided, everything before the Commencement of this Act done or suffered by or with reference to the Company or the Shareholders therein in that Capacity shall be as valid as if the Company had not been incorporated and the said Deed had not been avoided by this Act, and such Incorporation and Avoidance and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the Company were not incorporated and the said Deed were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and every thing so done and suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the new Company shall to all Intents and Purposes represent the Company and the Shareholders therein in their Capacity of Shareholders: Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

Saving previous Rights and Liabilities.

12. Except as by this Act otherwise specially provided, all Purchases, Conveyances, Grants, Assurances, Leases, Deeds, Contracts, Mortgages, and Agreements entered into or made before the Commencement of this Act by, to, or with the Company, or any Trustees or Persons acting on behalf of the Company, or by or with any other Person to whose Rights and Liabilities they have succeeded as Assigns and now in force, shall be as binding and of as full Force and Effect in every respect against or in favour of the new Company, and may be enforced as fully and effectually, as if instead of the Company or the Trustees or Persons acting on behalf of such Company the new Company had been a Party thereto.

Contracts prior to the Commencement of this Act to be binding.

[Local.]

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13. Nothing

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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 was pending by or against the Company or any Member thereof in relation to the Affairs of the Company, or to which the Company or any Member thereof in relation to such Affairs were Parties, immediately before the Commencement 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 new Company (as the Case may be) in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the Company or any Member thereof if this Act had not been passed, the new Company being in reference to the Matters aforesaid in all respects substituted for the Company.

Judgment in
respect of
existing
Liabilities
may be
enforced
against
individual
Share-
holders.

14. If any Judgment, Decree, or Order be at any Time after the Commencement of this Act obtained against the new Company in respect of any Debt or Liability owing or incurred, or in respect of any Contract made or Tort committed, by the Company before the Commencement of this Act, and be not fully satisfied out of the Property of the Company, then and in every such Case the Judgment, Decree, or Order may be enforced and Execution thereon issued against the Property and Effects of any Person who was a Member of the Company immediately before the Commencement of this Act, or at the Time when the Contract was made or the Tort was committed in respect of which the Debt or Liability accrued or was incurred, and legally responsible in respect of such Debt or Liability, to the same Extent as if this Act had not been passed.

Reimburse-
ment of
Shareholders
in such Case.

15. Every Person against whom or against whose Property or Effects any such Judgment, Decree, or Order is enforced shall be entitled to recover against the new Company all Loss, Damage, Costs, and Charges which he incurs by reason of the Execution, and shall be entitled to Contribution for so much thereof as remains unsatisfied from the several other Persons against whom Execution on the Judgment, Decree, or Order might in accordance with this Act have been issued, and the Contribution may be recovered in like Manner as Contribution in ordinary Cases of Copartnership.

Trustees of
Company to
be indemni-
fied.

16. Every Trustee or other Person in whom or in whose Name any Lands, Works, Buildings, Easements, Rights, Property, or Effects belonging to the Company were vested immediately before the Commencement of this Act, and who (being duly authorized so to do) entered into any Mortgage, Covenant, Contract, or Engagement in respect of the same or otherwise on behalf of the Company, shall be indemnified and saved harmless out of the Property of the
new

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new Company from and against all Liability, Loss, Costs, Charges, and Expenses under or by reason of every such Mortgage, Covenant, Contract, or Engagement.

17. From and after the Commencement of this Act, and except as is by this Act otherwise expressly provided, the new Company shall in all other respects be subject to and shall satisfy or discharge all Obligations and Liabilities to which the Company immediately before the Commencement of this Act were or but for this Act would become subject, and shall pay and bear all the Expenses of and incident to the winding up of the Affairs of the Company, and shall indemnify the Shareholders, Directors, Officers, and Servants of the Company and their respective Representatives from all such Obligations, Liabilities, and Expenses, and all Costs in that Behalf.

New Com-
to satisfy
Liabilities of
the Com-
pany.

18. All Gas Rents, and Sums of Money which immediately before the Commencement of this Act were due and payable or accruing to the Company shall be payable to and may be collected and recovered by the new Company in like Manner as the Gas Rents and Sums of Money under this Act.

Gas Rents,
&c. to be
recovered.

19. All Persons who immediately before the Commencement of this Act owed any Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due, payable, or accruing upon the same, to the new Company; and all Debts and Monies which immediately before the Commencement of this Act were due or owing or recoverable from the Company, or for the Payment of which the Company were or but for this Act would be liable, shall be paid, with all Interest (if any) due or payable or accruing upon the same, by or be recoverable from the new Company.

As to Pay-
ment of
Debts owing
before the
Commence-
ment of this
Act.

20. All Certificates of Shares in the Undertaking of the Company (until cancelled under the Powers of this Act), Sales, Transfers, and Dispositions heretofore made or executed under the said Deed of Settlement with respect to any Shares in the Company shall remain in full Force and continue and be available in all respects as if this Act had not passed.

Certificates,
&c. to remain
in force.

21. All Officers and Servants of the Company who were in Office immediately before the Commencement of this Act shall hold and enjoy their respective Offices and Employments, together with the Salaries and Emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the new Company, and 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

Officers to
continue
until
removed.

liable

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liable to the like Conditions, Obligations, Pains, and Penalties, and to the like Powers of Removal, and to the like Rules, Restrictions, and Regulations, in all respects whatsoever as if they had been appointed under this Act.

Capital.

22. The Capital of the new Company shall be Twenty-five thousand Pounds, whereof Twelve thousand two hundred and fifty Pounds shall by virtue of this Act be converted into Capital Stock of that Amount (in this Act called the "original Capital"), and Twelve thousand seven hundred and fifty Pounds shall be divided into Twelve hundred and seventy-five Shares of Ten Pounds each (in this Act called "additional Capital").

New Company may cancel Certificates of existing Shares, and issue Stock in lieu thereof.

23. The new Company shall after the Commencement of this Act call in and cancel the existing Certificates of the Shares issued previous to the Commencement of this Act (herein-after called the "existing Shares"), and issue in lieu thereof Certificates of Stock to be created by this Act in the Form and under the Conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the Holders of such Certificates of existing Shares shall not be entitled to any Certificate of Proprietorship under this Act until they shall have delivered up to the new Company to be cancelled the Certificates of Proprietorship issued to them before the Commencement of this Act, or shall have proved to the reasonable Satisfaction of the new Company the Loss or Destruction thereof.

Appropriation of Stock.

24. Every Holder of One or more than One existing Share of Fifty Pounds of the original Capital shall from and after the Commencement of this Act be entitled, in substitution of each of such Shares, to a like Amount of Stock which shall by virtue of this Act be vested in and belong to the several Persons respectively who held the Shares of Fifty Pounds each of the original Capital, and be subject and liable to the same Trusts, Powers, Provisions, Declarations, Agreements, Charges, Liens, and Incumbrances as affected each such Fifty Pounds Share of the original Capital of the Company for which such Stock is substituted, and so as to give Effect to and not revoke any Testamentary Disposition of or affecting any such Share.

As to Creation and Issue of new Shares.

25. Subject to the Provisions of this Act and of the Acts incorporated herewith, the new Company may from Time to Time, by Order of an Ordinary or Extraordinary Meeting of the new Company duly convened for the Purpose, raise by the Creation and Issue of other Shares (herein-after called new Shares) new Shares of Ten Pounds nominal Value in respect of the whole or any Part of the said additional Capital for the Time being remaining to be raised.

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26. The new Company shall not in any Year make out of their Profits any larger Dividend on the additional Capital than Seven Pounds in respect of every One hundred Pounds paid of such Capital.

Limit of Dividend on additional Capital.

27. Subject to the Powers contained in this Act relative to the new Shares, the Directors of the new Company shall, before they issue any of the new Shares to the Proprietors of the original Shares, offer from Time to Time such new Shares at Par to the ratepaying Inhabitants of the Districts included within the Limits of this Act by public Advertisement inserted for Two successive Weeks in some one and the same Newspaper published or circulated in the Town, otherwise District, of *Worthing*, and shall allot to such Inhabitants *pro rata*, according to their respective Applications, as may accept such Offer so many of such new Shares as may from Time to Time be so offered, and Notice of such Acceptance shall be given by the respective Inhabitants accepting the same to the Directors within One Calendar Month from the Date of the First Insertion of such Advertisement, and the Directors shall offer the remaining new Shares (if any) among the Proprietors of the original Shares in proportion as near as may be to the Number of such original Shares held by them respectively; such last-mentioned Offer, after the said Period as aforesaid, shall be made by Letter under the Hand of the Secretary for the Time being of the new Company given to every Proprietor of such original Shares respectively, or sent by Post addressed to him according to his Address in the Books of the new Company, or left for him at his usual or last known Place of Abode in *England*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the ordinary Course of Delivery ought to reach the Place to which it is addressed: Provided always, that if any Shareholder fail for One Month after such Offer of any new Share or Shares to accept the same, the Directors of the new Company may from Time to Time dispose of the same in accordance with the other Provisions of this Act and the Acts incorporated herewith.

Subject to such Powers, new Shares to be offered to ratepaying Inhabitants of Districts included within Limits of Act.

Mode of making Offer.

28. Provided also, that the Directors, if they think proper, may permit any Shareholder who, from Absence abroad or other Cause satisfactory to the Directors, omits to signify within such One Month his Acceptance of the new Shares offered to him, to accept them notwithstanding that Time has elapsed.

Power to enlarge Time for accepting new Shares.

29. Subject to the foregoing Provisions, the Directors of the new Company may from Time to Time dispose of the new Shares to such Persons, on such Terms and Conditions, and in such Manner as they may deem most advantageous.

General Powers to dispose of Shares.

[*Local.*]

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30. If

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Power to
cancel
unissued
Shares.

30. If after having created any new Shares the new Company determine not to issue the whole of such new Shares, they may cancel the unissued new Shares, and may from Time to Time thereafter create and issue in lieu thereof other new Shares of an aggregate Amount not exceeding the Amount unpaid on the new Shares so cancelled.

Calls on
new Shares.

31. One Fifth of the Amount of a new Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and One Half of the Amount of a new Share shall be the utmost aggregate Amount of the Calls made in any One Year upon any new Share.

Shares not
to issue
until One
Fifth paid
up.

32. It shall not be lawful for the new Company to issue any such new Share, nor shall any such new Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such new Share shall have been paid up in respect thereof.

Receipt of
Guardians,
&c. to be
sufficient
Discharge.

33. If any Money be payable to a Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his or her respective Guardian or Committee shall be a sufficient Discharge to the new Company for the same.

Power to
borrow on
Mortgage.

34. The new Company may at any Time and from Time to Time after the Commencement of this Act borrow on Mortgage, in addition to the said Sum of Four thousand Pounds already borrowed, any further Sum not exceeding Four thousand Pounds, but no Part of the said Sum of Four thousand Pounds shall be borrowed until the whole of the additional Capital of Twelve thousand seven hundred and fifty Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the new Company have proved to the Justice who is to certify under the 40th Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that all the additional Capital of Twelve thousand seven hundred and fifty Pounds has been subscribed for, 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 new Share has been paid on account thereof before or at the Time of Issue or Acceptance thereof, and that such additional Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that the 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.

35. The

The Worthing Gas Act, 1868.

35. The Mortgagees of the new 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.

36. All Mortgages granted by the Company in pursuance of the Powers contained in the said Deed of Settlement, and subsisting at the Time of the Commencement of this Act, shall during the Continuance thereof have Priority over all Mortgages granted in pursuance of this Act.

Monies borrowed on Mortgage to have Priority.

37. All Monies raised under this Act by the new Company, whether by Shares or by borrowing, shall be applied only to the Purposes by this Act authorized.

Application of Monies.

38. The First Ordinary Meeting of the new Company shall be held at any Time within Two Calendar Months next after the Commencement of this Act, and the subsequent Ordinary Meetings of the new Company shall be held in the Month of *February* or *March* and *August* or *September* in every Year, on such Day and at such Place within the Limits of this Act as the Directors may from Time to Time appoint; and the Notices convening all Meetings of the new Company shall be by Letter only sent by Post to each Shareholder to his Address on the Register of Shareholders not less than Nine Days previous to such intended Meeting.

First and other Meetings.

39. The Quorum of General Meetings (whether ordinary or extraordinary) of the new Company shall be Five Shareholders present personally or by proxy, holding in the aggregate not less than Five hundred Pounds in the Capital of the new Company.

Quorum of General Meetings.

40. At any General Meeting of the new Company every Shareholder present in person or by proxy shall have One Vote for every Share held by him up to and including Ten Shares, and an additional Vote for every Five Shares beyond that Number up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first One hundred Shares.

Scale of voting.

41. The Number of Directors of the new Company shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of not less than Fifteen Shares in the Undertaking, but it shall be lawful for the new Company from Time to Time to reduce the Number, provided the Number be not less than Six.

Number and Qualification of Directors of the new Company.

42. The

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First
Directors.

42. The Persons who at the Commencement of this Act are the Directors of the Company shall be the First Directors of the new Company, and shall continue in Office for One Year after the Commencement of this Act, and until their Successors are appointed.

Quorum of
Directors.

43. The Quorum of a Meeting of Directors of the new Company shall be Five, but when the Number of Directors is reduced to Six the Quorum shall be Three.

Power to
purchase
Lands by
Compulsion
or Agree-
ment.

44. Subject to the Provisions of this Act, the new Company may for the Purpose of their Undertaking purchase, take, and hold, either by Compulsion or Agreement, so much of the Land coloured Green on the said Plan, and described in the Book of Reference thereto, as is described in Part II, of the Schedule to this Act, but shall not purchase, take, or use, either by Compulsion or Agreement, the other Land delineated on the said Plan and described in the said Book of Reference.

Limiting
Quantity of
Lands.

45. The Quantity of Land which the new Company may purchase, take, and hold at any one Time by Compulsion or Agreement for the Purposes of their Undertaking shall not exceed Six Acres: Provided that no Works for the Manufacture of Gas shall be erected on any Land except such as are comprised in the Schedule of this Act; and, except as aforesaid, no Works for storing Gas shall, without the Consent of the Owner and Occupier, be erected within Three hundred Yards of any Dwelling House existing at the Time of the Acquisition by the new Company of the Land for such Storage Works.

Powers for
compulsory
Purchases
limited.

46. The Powers of this Act granted to the new Company for the compulsory Purchase of Land shall not be exercised after the Expiration of Two Years from the Commencement of this Act.

Power as to
Construction
of Gasworks,
&c.

47. The new Company may from Time to Time maintain, alter, improve, enlarge, extend, or discontinue their existing Gasworks, and may from Time to Time make and lay down, provide, and maintain on the Lands specified in the Schedule to this Act annexed additional and other Gasworks, Retorts, Purifiers, Gasholders, Gasometers, Receivers, Drains, Sewers, Mains, Pipes, Meters, Lamps, Lamp Posts, Burners, Stopcocks, Machinery, and other Works and Apparatus and Conveniences, and may do all Acts as they may think proper for making and storing Gas, and for supplying Gas within the Limits of this Act, and may make, store, and supply Gas accordingly: Provided always, that the Company shall not, without the Consent of the *West Worthing* Improvement Commissioners under their Common Seal, make or erect any Works for the storing of Gas, nor deposit

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deposit Materials used in the Manufacture of Gas or the Purification thereof, within the District of *West Worthing*.

48. Nothing in this Act or in any of the incorporated Acts contained shall authorize or empower the new Company to enter upon, take, use, or interfere with any Land, Railway, Work, or Building of the *London, Brighton, and South Coast Railway Company*, or to lay down or place any Pipe or other Work in, under, or against the same, without in each Instance the previous Consent in Writing of that Company under their Common Seal for the Purpose.

For Protection of Lands and Works of Brighton Railway Company.

49. The new Company shall not after the Commencement of this Act throw or cast into the Sea, within Two hundred Yards of any Dwelling House now erected or to be erected within the Limits of this Act, any of the residuary Products arising from the Manufacture of Gas, nor lay any Pipe or Main for that Purpose which shall at High-water Mark be within Two hundred Yards of any such Dwelling House.

New Company not to cast residuary Products into the Sea within 200 Yards of any Dwelling.

50. The new Company, with the Consent of the Owner and Occupier of any Building, may lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or against such Building for the Purpose of lighting it, and may, with the like Consent, provide and set up any Apparatus necessary for securing to such Building a proper and sufficient Supply of Gas, and for measuring and ascertaining the Extent of such Supply, and may from Time to Time, with the like Consent, repair, replace, alter, or discontinue and remove any such Pipe, Branch, or Apparatus.

Power to lay Pipes against Buildings.

51. The new Company and the Local Board of Health for the District of *Worthing*, the *West Worthing Improvement Commissioners*, and other the Local Authorities within the Limits of this Act, may mutually contract with each other upon such Terms and Conditions as they may think proper for providing and keeping in repair the public Lamps, Lamp Posts, Burners, Regulators, Brackets, and Irons, and for lighting and extinguishing the public Lamps, and for supplying, repairing, and renewing Meters for ascertaining by average Meter Indication the Uniformity of Consumption between metered and unmetered Lamps, and for any of those Purposes, and with respect to any public Lamp Posts, Lamp Fittings, and Meters now belonging to the Company; such Lamp Posts, Lamp Fittings, and Meters shall not be removed by the new Company, except at the Instance and with the Consent of such Local Board, Commissioners, or other Local Authorities respectively, as the Case may be.

New Company and certain Local Authorities may agree for Lamps, &c.

52. The average Amount of the Indicators of all the Meters attached to the public Lamps under the Control of the said Local Board,

As to Meters for public Lamps.

[Local.]

14 C

Board,

The Worthing Gas Act, 1868.

Board, Commissioners, and other Local Authorities before mentioned shall, except as herein-after mentioned, be deemed to be the Amount consumed by each such Lamp.

As to testing
Accuracy of
Meters.

53. If either the new Company or the said Local Board, Commissioners, or other Local Authorities as aforesaid shall dispute the Accuracy of the Registration of any Meter, then such Meter shall be tested in the Manner provided by this Act.

Meters to be
stamped.

54. Every Meter supplied by the new Company, or used or furnished by a private Consumer, after the Commencement of this Act, shall be duly stamped in manner provided by the Act of the 22nd and 23rd *Victoria*, Chapter 66, and it shall be lawful for any Consumer at his own Expense to send the Meter supplied to him by the new Company to be tested by an Inspector of Meters in manner provided by that Act.

Consumers
may be
required to
consume by
Meter, and
may require
new Com-
pany to allow
them to
consume by
Meter.

55. Every private Consumer of Gas supplied by the new Company shall, on being required by the new Company so to do, consume such Gas by Meter, which shall be and continue to be approved by the new Company, and may from Time to Time be examined and tested by them; and any Meter may be provided, sold, or let to hire by the new Company to the Consumer, and every Consumer may in like Manner require the new Company to allow him to consume the Gas by Meter.

Charge for
Meters.

56. The Charge to be made by the new Company to the private Consumer for the Use of any Meter provided by the new Company shall not exceed One Shilling and Sixpence for every Three Calendar Months during which such Meter shall be provided by the new Company to such Consumer.

Fraudu-
lently
injuring
Meters.

57. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Pipes, Mains, Meters, or Fittings or other Things connected therewith belonging to the new Company, or shall fraudulently alter the Index to any Meter or any Part of such Meter, or any Pipes connected therewith, or shall in any way fraudulently, wilfully, or knowingly prevent the Index of any Meter from duly registering the Quantity of Gas supplied, or by any means fraudulently abstract, consume, or use the Gas of the new Company, shall, without Prejudice to any other Right or Remedy for the Protection of the new Company or the Punishment of the Offender, for every such Offence forfeit and pay to the new Company a Sum not exceeding Five Pounds, and the new Company may in addition thereto recover the Amount of any Damage by them sustained which shall not be satisfied by the Amount of
the

The Worthing Gas Act, 1868.

the Penalty recovered, and may also discontinue the Supply of Gas to the Person so offending until the Injury be remedied and the Amount of the said Damages are paid, and notwithstanding any Contract previously existing; and the Existence of artificial or irregular Means for causing such Alteration or Abstraction, when such Meter shall be under the Custody or Control of the Consumer, shall be *prima facie* Evidence that the same has been fraudulently, knowingly, and wilfully caused by the Consumer using such Meter.

58. The new Company, at the Request of any Owner or Occupier of any House or Building or Part of a House or Building within the Limits of this Act, which House or Building or Part of a House or Building shall be within Twenty Yards of any Main of the new Company, or which Owner or Occupier shall be willing to pay and shall pay to the new Company the Expense incurred in laying a Pipe from his Premises to within Twenty Yards of the Main of the new Company, shall furnish to him a sufficient Supply of Gas for the Premises at a Rate not exceeding the Price from Time to Time by this Act limited, and in order thereto shall provide and lay all proper and sufficient Communication, Service, and other Pipes from and communicating with the Main up to the Premises; provided that the new Company shall not be bound so to supply any such Gas unless the Party requiring it contract for not less than Two Years to pay Rent in respect of the Supply to an Amount equal to Twenty Pounds *per Centum per Annum* upon the Outlay of the new Company in that Behalf.

Company to supply Gas, &c. at Request of Owners.

59. The new Company shall, on the Application of any Owner or Occupier of a House or Premises situate in the District of *West Worthing*, and within Forty Yards of any Gas Main belonging to the new Company, make and lay down at their own Cost under or along any public Road therein a Branch or connecting Main to the Point nearest to the said House or Premises, and shall upon the Application of the Owner or Occupier of any House or Premises situate in the said District, not being within the Distance of Forty Yards of any such Main belonging to the new Company, construct and lay down a Branch or connecting Main under and along any public Road to the Point nearest to such House or Premises; provided that the Owner or Occupier on whose Application such Branch or connecting Main shall be laid shall reimburse the new Company One Half of the Cost of making or laying the same, and the Mains so laid shall be supplied by the new Company.

New Company to lay down Branch Mains in District of West Worthing under certain Conditions.

60. In case any Consumer leave the Premises where Gas was supplied to him without paying to the new Company the Gas Rent or

Incoming Tenant not liable for

The Worthing Gas Act, 1868.

Arrears of
Gas Rent.

or Meter Rent due from him, the new Company shall not be entitled to require from the next Tenant of the Premises Payment of the Arrears left unpaid by the former Tenant, unless the incoming Tenant had agreed with the defaulting Consumer to pay the Arrears.

New Com-
pany may
remove Pipes
from un-
occupied
Premises
on giving
Notice to
Owners.

61. In all Cases in which the new Company are by "The Gas-works Clauses Act, 1847," incorporated with this Act, authorized to cut off and take away the Supply of Gas from any House, Building, or Premises, then if such House, Building, or Premises be unoccupied the new Company, their Agents, Servants, or Workmen, after giving Twenty-four Hours previous Notice to the Owner by serving the Notice on him, or by Letter under the Hand of the Secretary of the new Company sent by Post addressed to such Owner, or, if the Owner or his Address be not known to the new Company after due Inquiry, by affixing such Notice for Three Days on some conspicuous Part of such House, Building, or Premises, may enter into such House, Building, or Premises between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, or Fittings or other Works the Property of the new Company, making Compensation to such Owner for the Damage (if any) which may be occasioned to him thereby.

Limiting
the Price of
Gas.

62. From and after the First Day of *July* One thousand eight hundred and sixty-nine the Price to be charged by the new Company for Gas supplied by them by Meter shall not at any Time exceed the Rate of Five Shillings *per* Thousand Cubic Feet: Provided always, that in case the Coal Duty now levied in the District of *Worthing* under the Act (Local) of the 1 & 2 *Geo.* IV., Cap. 59, shall at any Time cease to be levied, or if the new Company shall at any Time be authorized to erect Works for the Manufacture of Gas outside the District of *Worthing* so as to be exempt from the said Duty on Coals, the Price of the Gas to be supplied by the new Company to the Consumers within the Limits of this Act shall from and after the First Day of *July* of the Year succeeding the Date of such Cesser or Erection be reduced by the Sum of Threepence *per* Thousand Cubic Feet.

Quality of
Gas.

63. All the Gas supplied by the new Company shall be of such illuminating Power 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, each consuming One hundred and twenty Grains *per* Hour, and shall be so far free from Ammonia and Sulphuretted Hydrogen as not to discolour moistened Test Paper imbued with either Turmeric Juice or Acetate or Carbonate of Lead when this Paper is exposed for One Minute

The Worthing Gas Act, 1868.

Minute to a Current of Gas issuing under a Pressure of Five Tenths of an Inch of Water.

64. The new Company shall, on the Commencement of this Act, provide on some Part of their Works fit for testing the Gas of the new Company an experimental Meter furnished with an Argand Burner having Fifteen Holes 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 placed or arranged as to test the illuminating Power of all the Gas supplied to the Consumers; and the new Company shall at all Times after the Commencement of this Act keep and maintain the experimental Meter and Apparatus in good Repair and working Order, and if and when necessary renew the same.

Erection of
experimental
Meter.

65. It shall be lawful for any Two Justices from Time to Time, on the Application of the said Local Board or the *West Worthing* Improvement Commissioners, or of any Consumers of the Gas of the new Company not being less than Five in Number, by Order in Writing to appoint some competent Person, not being an Officer of the new Company or of the said Local Board of Health or of the said Commissioners, or One of the Members of that Board, or One of the said Commissioners or of the said other Local Authorities, to test, either at the new Company's Works or at the Town Hall of *Worthing*, from Time to Time, with such Assistance as he may require, the illuminating Power and Purity of the Gas; and the Person so appointed, with such Assistants, may at any reasonable Hour in the Daytime, and not later than Six of the Clock in the Afternoon, on producing his Authority, enter on the Works of the new Company, or any Part thereof, or the said Town Hall, and in the Presence of the Manager or other Officer of the new Company make Experiments of the illuminating Power and Purity of the Gas flowing through the Mains of the new Company, or otherwise, by means of the experimental Meter, Test Paper, and other Apparatus before mentioned, and the new Company and their authorized Officers and Servants shall afford all reasonable Facilities and Assistance to the making of such Experiments; and if it shall be proved to the Satisfaction of any Two Justices (not being Directors or Shareholders of the new Company, nor Members of the said Local Board of Health, nor Commissioners, nor the other Local Authorities, as before mentioned), after hearing the Parties, that the illuminating Power or Purity of the Gas supplied by the new Company did not, when so tested as aforesaid, equal the illuminating Power and Purity by this Act prescribed, or that the new Company or their authorized Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such

Power to
test the
illuminating
Power of the
Gas.

[*Local.*]

14 D

Experiments,

The Worthing Gas Act, 1868.

Experiments, then and in any such Case the new Company shall forfeit such Sum not exceeding Twenty Pounds as the Justices shall determine under the Circumstances of the Case.

Cost of Experiment to be paid according to Event.

66. The Cost of and attending every such Experiment, including the Remuneration to be paid to the Person making the same and the Costs of the Proceedings before the Justices, shall be ascertained by the Justices, and in the event of any Penalty being imposed on the new Company shall be paid, together with such Penalty, by the new Company, or in the event of no Penalty being imposed on the new Company such Costs shall be in the Discretion of the Justices, and be paid and levied as they shall award.

Penalties not cumulative.

67. Penalties imposed on the new Company for one and the same Offence by several Acts of Parliament shall not be cumulative, and for such Purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Sums undisputed may be recovered by Distress.

68. All Sums of Money due to the new Company for the Supply of Gas, or for the Hire or fixing of Meters or Fittings, and all Damages, Costs, and Expenses by this Act or any Acts incorporated herewith directed to be paid, and the Amount of which shall not be *bonâ fide* disputed, may (the Party in default being first duly summoned) be levied by Distress, and any Justice on Application may issue his Warrant accordingly.

Contents of Warrants.

69. Any One Summons or Warrant issued for any of the Purposes of this Act may contain in the Body thereof, or in a Schedule thereto, several Names and several Sums.

Warrant to include Costs.

70. Any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for the Recovery of the Money to be levied shall be paid by the Person liable to pay such Money, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Recovery of Sums due to new Company.

71. Whenever any Person neglects to pay any Rent or Sum due and payable by him to the new Company, the new Company may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction for the Recovery of Debts of the like Amount, and the Remedies of the new Company under this Enactment shall be in addition to their other Remedies for the Recovery of such Rent or Sum.

Liability to Gas Rent not to

72. No Judge of any County Court or Quarter Session or Justice shall be disqualified from acting in the Execution of this Act by reason

The Worthing Gas Act, 1868.

reason of his being liable to the Payment of any Gas Rent or other Charge under this Act. disqualify Justices.

73. In addition to the Power given by "The Gasworks Clauses Act, 1847," in this Behalf, the new Company may recover the Rent of any Gas, or the Price or Rent of any Pipe, Burner, Meter, Lamp, and Fittings, supplied, sold, delivered, or let to hire by the new Company, together with the Expense of cutting off the Service Pipe or Gas, by Action in any Court of competent Jurisdiction, although the Demand in respect thereof may be less than Twenty Pounds. Rent for Gas and Fittings under Twenty Pounds.

74. Except only as is by this Act otherwise expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Powers, Rights, and Privileges of the *West Worthing Improvement Commissioners* granted by the *West Worthing Improvement Act, 1865*. Saving Rights of West Worthing Improvement Commissioners.

75. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the new Company to take, use, or in any Manner interfere with any Portion of the Shore or Bed of the Sea, or of any River, Channel, Creek, Bay, or Estuary, or any Right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Board of Trade on behalf of Her Majesty (which Consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors. Saving Rights of the Crown in the Foreshore.

76. All the Costs, Charges, and Expenses of applying for and obtaining this Act or incident thereto shall be paid by the Company. Expenses of Act.

*The Worthing Gas Act, 1868.***SCHEDULE** referred to in the foregoing Act.**PART I.**

The Land and the existing Gas and other Works, Houses, and Buildings erected and built thereon belonging to the Company, bounded on the North by Anchor Lane, on the East by East Lane otherwise East Street, on the South by Garden Ground belonging or reputed to belong to and in the Occupation of Colonel William Humphrey Lomer, and on the West by Pasture Land belonging or reputed to belong to Miss Sophia Jones, and now in the Occupation of the said Colonel William Humphrey Lomer, all in the Town and District of Worthing in the Parish of Broadwater and County of Sussex.

PART II.

A Piece of Pasture Land immediately adjoining and situate on the West Side of the existing Gasworks of the Company belonging or reputed to belong to the said Miss Sophia Jones, and now in the Occupation of the said Colonel William Humphrey Lomer, bounded on the North by Anchor Lane aforesaid, on the East by the said existing Gasworks of the Company, and on the South and West by Land belonging or reputed to belong to the said Miss Sophia Jones, and now in the Occupation of the said Colonel William Humphrey Lomer, all in the said Town and District of Worthing in the said Parish of Broadwater.

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