



### CHAP. xxviii.

An Act to amend "The Boston Gas Amendment Act, 1856," and to enable the Boston Gaslight and Coke Company to raise more money; and for other purposes.

A.D. 1871.

[25th May 1871.]

WHEREAS by "The Boston Gas Amendment Act, 1856" (in this Act referred to as "the existing Act"), the Local and Personal Act, 6th George IV. chapter 34, incorporating the Boston Gaslight and Coke Company, was repealed, and it was enacted that, notwithstanding such repeal, the Company should, for the purposes of the Act of 1856, and as from the passing of the repealed Act, be and continue incorporated by the name of "the Boston Gaslight and Coke Company:"

19 & 20 Vict.  
c. xxiii.

And whereas by the existing Act the capital of the Company was (section 17) declared to be twenty thousand pounds (of which eight thousand pounds was divided into shares of ten pounds, and the balance was (section 21) to be raised in shares of such amount as the Company should think fit, but has in fact been raised in shares of ten pounds each), and the Company were authorised (section 27) to raise five thousand pounds by borrowing on mortgage or bond:

And whereas the whole of the said share capital has been raised and expended, and the Company now owe on mortgage five thousand pounds:

And whereas the district which the Company are authorised by the existing Act to supply with gas is extensive, and the population and buildings within such district and the demand for gas are increasing, and the Company are proceeding with the enlargement and extension of their works and means of supply, under the authority of the existing Act, but it is necessary that they be authorised to raise more money for those purposes:

And whereas by the existing Act it was enacted (section 26) that no person should hold in his own right more than one hundred shares in the Company at one time, and (section 32) that at all

A.D. 1871. — general meetings of the Company the holders of stock or shares in the undertaking should be entitled to vote according to the following scale ; (that is to say,)

Every holder of stock or paid-up capital, or both, of an aggregate amount of fifty pounds and less than two hundred pounds, should have one vote :

Every holder of stock or paid-up capital, or both, of an aggregate amount of two hundred pounds and less than three hundred pounds, should have two votes :

Every holder of stock or paid-up capital, or both, of the aggregate amount of three hundred pounds and less than four hundred pounds, should have three votes :

Every holder of stock or paid-up capital, or both, of the aggregate amount of four hundred pounds and less than five hundred pounds, should have four votes :

Every holder of stock or paid-up capital, or both, of the aggregate amount of five hundred pounds and upwards, should have five votes, but no person should be entitled to any vote in respect of stock or paid-up capital being less in aggregate amount than fifty pounds :

And whereas the enactments of the two last-recited sections (26 and 32) of the existing Act are unsuited to the present circumstances and to the capital of the Company as increased under this Act, and it is expedient that the provisions of those sections be amended :

And whereas it is expedient that the provisions of the existing Act (section 51) as to the quality of gas, (section 52) as to the experimental meter, (section 53) as to testing the purity of the gas, and (section 54) as to costs of experiment, be repealed, and other provisions made with respect to those subjects :

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 :

Short title. 1. This Act may be cited for all purposes as "The Boston Gas Act, 1871."

Provisions of general Acts herein named incorporated. 2. "The Companies Clauses Consolidation Act, 1845," and Part I., relating to the cancellation of shares, and Part II., relating to additional capital, of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," are, except where



expressly varied by this Act, incorporated with and form part of this Act. A.D. 1871.

**3.** In this Act the expression "the Company" means the Boston Gaslight and Coke Company; the word "share" includes stock; and the expression "court of competent jurisdiction," or any other like expression, 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; and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of the county courts.

Interpretation of terms.

**4.** The Company may from time to time raise (in addition to their present capital) any further sums not exceeding in the whole thirty thousand pounds by the creation and issue of new ordinary shares.

Power to Company to raise additional capital.

**5.** The Company shall not issue any share to be created under the authority of this Act, nor shall any such 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.

Shares not to issue until one fifth paid up.

**6.** Notwithstanding anything in this Act contained, the directors may, whenever any new shares are to be created and issued under this Act, and before offering them to the holders of any other shares or stock in the Company, and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not, offer the same or any of them for sale by public auction within the borough of Boston, in such manner, at such times, and subject to such conditions of sale not inconsistent with the provisions of this Act as the Company determine; provided that at any such sale the reserved price shall not be less than or exceed the nominal amount of the shares offered for sale.

New shares to be first offered by public auction.

**7.** The intention to sell any such shares by auction shall be duly advertised for three successive weeks previously to the sale in some newspaper published in the borough of Boston.

Sales to be advertised.

**8.** All money received upon every such sale by way of premium shall be applied for the purposes of the Company, and shall not go to increase any dividend, or be considered a part of the capital of the Company entitled to dividend.

Premiums received on sale to be applied to purposes of the Company.

**9.** When any of such new shares have been offered for sale by auction and not sold, the same shall be offered to the holders of the ordinary shares and ordinary stock respectively, at par, in manner provided by Part II. of "The Companies Clauses Act, 1863."

Shares not sold by auction to be offered to shareholders.



A.D. 1871.

Privileges,  
&c. of the  
holders of  
new capital.

**10.** The new capital from time to time raised by the Company under this Act by shares shall be part of the general capital of the Company, and, save as herein or in the Acts incorporated herewith otherwise provided, the holders of shares in the additional capital by this Act authorised to be raised shall be entitled to the like rights of voting, and other rights, qualifications, and privileges, in proportion to the amount of their shares from time to time paid up, and be subject to the like provisions, forfeitures, and liabilities as the holders of shares or stock in the capital of the Company under the Act of 1856.

Varying  
limit of hold-  
ings.

**11.** The section numbered 26 of the existing Act shall henceforth be read and have effect as if two hundred shares were therein substituted for one hundred shares.

Section 32 of  
existing Act  
repealed.

**12.** Upon and from the passing of this Act the section numbered 32 of the existing Act herein-before recited is hereby repealed.

Scale of  
votes.

**13.** At all general meetings of the Company the holders of stock or shares in the undertaking shall be entitled to vote according to the following scale ; (that is to say,)

Every holder of stock or paid-up capital, or both, of an aggregate amount of fifty pounds and less than one hundred pounds, shall have one vote ;

Every holder of stock or paid-up capital, or both, of the aggregate amount of one hundred pounds and less than two hundred pounds, shall have two votes ;

Every holder of stock or paid-up capital, or both, of the aggregate amount of two hundred pounds and less than three hundred pounds, shall have three votes ;

Every holder of stock or paid-up capital, or both, of the aggregate amount of three hundred pounds and less than four hundred pounds, shall have four votes ;

Every holder of stock or paid-up capital, or both, of the aggregate amount of four hundred pounds and less than five hundred pounds, shall have five votes ;

Every holder of stock or paid-up capital, or both, of the aggregate amount of five hundred pounds and less than six hundred pounds, shall have six votes ;

Every holder of stock or paid-up capital, or both, of the aggregate amount of six hundred pounds and less than seven hundred pounds, shall have seven votes ;

Every holder of stock or paid-up capital, or both, of the aggregate amount of seven hundred pounds and less than eight hundred and fifty pounds, shall have eight votes ;

Every holder of stock or paid-up capital, or both, of the aggregate

amount of eight hundred and fifty pounds and less than one thousand pounds, shall have nine votes ; and A.D. 1871.

Every holder of stock or paid-up capital, or both, of the aggregate amount of one thousand pounds and upwards, shall have ten votes :

But no person shall be entitled to any vote or to attend at or take part in the proceedings of any general or other meeting of the Company in respect of stock or paid-up capital, or both, being less in aggregate amount than fifty pounds.

14. The Company shall not, in respect of any one year, pay out of their profits any larger dividend on any part of their new capital of thirty thousand pounds by this Act authorised to be raised than seven pounds in respect of every one hundred pounds actually paid of such capital. Limit of dividends on new capital.

15. If in any year ending on the thirtieth day of June there are not profits available for the payment of the full amount of the prescribed dividend of seven pounds in respect of every one hundred pounds actually paid of the new capital raised under this Act on ordinary shares, no part of the deficiency shall be made good at any time after the expiration of four years from the period when the same occurred. Deficiency in prescribed rate of dividend on new ordinary shares.

16. The Company may from time to time, in addition to the sum of five thousand pounds authorised by the existing Act to be borrowed, borrow on mortgage in respect of each ten thousand pounds of the additional capital by this Act authorised any sums not exceeding in the whole the sum of two thousand five hundred pounds for each ten thousand pounds of such additional capital. Power to borrow on mortgage.

17. Provided that no part of any one of the said sums of two thousand five hundred pounds by this Act authorised to be borrowed in respect of additional capital shall be so borrowed until the whole of the respective portion of additional capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half of that portion of additional capital is paid up, and the 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 the whole of such portion of additional capital 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 share in such portion of additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such portion of 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 Restriction on borrowing.



A.D. 1871. 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 shall be sufficient evidence thereof.

Existing mortgages to have priority.

**18.** All mortgages and bonds granted by the Company in pursuance of the existing Act, and subsisting at the time of the passing of this Act, shall, during the continuance thereof, have priority over all mortgages granted in pursuance of this Act.

Section 28 of existing Act as to appointment of a receiver repealed.

**19.** Section 28 of the existing Act, authorising mortgagees of the Company to enforce the payment of arrears of principal and interest by the appointment of a receiver, is hereby repealed, but subject and without prejudice to any proceedings taken under or by virtue of that section.

Receiver for mortgagees.

**20.** The mortgagees of the Company may enforce the payment of arrears of interest or of principal, or of principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Repeal of certain sections of existing Act.

**21.** The sections of the existing Act numbered 51 (relating to the quality of the gas), 52 (relating to the experimental meter), 53 (relating to testing the gas and imposing a penalty for inadequate illuminating power), and 54 (costs of the experiment to be paid according to the event) are hereby repealed.

As to the quality of gas.

**22.** All the gas supplied by the Company shall be of such quality as to produce from an improved argand burner and chimney, or other approved burner and chimney, 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.

Experimental meter to be provided.

**23.** The Company shall, within six months after the passing of this Act, cause to be erected in some convenient part of their works an experimental meter furnished with an improved argand burner and chimney, or other approved burner and chimney, capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas, and so situated and arranged as to test the illuminating power of all the gas supplied by the Company.

Power to local board to test the gas.

**24.** It shall be lawful for the local board of health for the borough of Boston at any time, and from time to time, by an order in writing, to appoint their surveyor or some duly qualified 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, and the Company and their officers shall afford all reasonable facilities and assistance to the making of such experiment; and if it shall be proved to the satisfaction of any two justices, not being directors or 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 refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Company shall forfeit such sum not exceeding twenty pounds as the said justices shall determine.

A.D. 1871.

Penalty in case of default.

**25.** The costs of and attending 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 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 the gas being found when tested to be of not less illuminating power than is by this Act prescribed, or in the event of no penalty being imposed, such costs shall be awarded to be paid by the local board to the Company, and shall be paid or levied accordingly.

Cost of experiment, by whom to be paid.

**26.** All moneys raised under this Act, whether by shares or borrowing, shall be applied only for the purposes of this Act and of the existing Act as amended by this Act.

Application of moneys.

**27.** All the costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of Act.

