



## CHAPTER clxxxiv.

An Act to extend the Cheltenham Gaslight and Coke Company's limits of supply, and to authorise them to make a short connecting Railway or Tramway between their works and the Midland Railway, and to stop up Alstone Terrace Road ; and for other purposes. [6th August 1872.] A.D. 1872.

**W**HEREAS by the "Cheltenham Gas Act, 1856," which repealed a previous local and personal Act, 59 George III. chap. 17, the Cheltenham Gaslight and Coke Company (in this Act called "the Company") were continued incorporated, and were (section 4) authorised to supply gas for public and private purposes within the parishes of Cheltenham, Leckhampton, Prestbury, Charlton Kings, and Swindon, all in the county of Gloucester, and (section 18) their capital was fixed at seventy-five thousand pounds, of which amount twenty-five thousand pounds was capital stock and the residue was share capital, and (sections 32 and 33) the Company were authorised to borrow on mortgage or bond any sums not exceeding in the whole seventeen thousand five hundred pounds : 19 & 20 Vict.  
c. xxx.

And whereas the Company have raised by shares and stock seventy-five thousand pounds, and by borrowing on mortgage thirteen thousand pounds, and have expended those sums on their undertaking :

And whereas the population and the number of houses in the parishes of Up Hatherley, Badgworth, Shurdington, and Staverton, all in the county of Gloucester, and adjoining the parishes which the Company are now authorised to supply, have increased and are increasing, and it is expedient that the Company's limits of supply be extended thereto :

And whereas it is expedient that the Company be authorised to make and maintain a short line of railway or tramway from the Midland Railway at Cheltenham to a point in the Company's works, and on the south side of the public road known as the coach road :

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And whereas the Company's gasworks are at present divided from each other by the Alstone Terrace Road, the soil of which is or is reputed to be vested in the Company, and which, though occasionally used by the public, has never been repaired by the representatives of the public, and most of the houses which formerly existed on both sides of the road have been pulled down, and the remaining houses are about to be pulled down, and it is expedient that the Company be authorised to stop up the road :

And whereas it is expedient that the Company be authorised to raise more money for the purposes of their undertaking :

And whereas it is expedient that "The Cheltenham Gas Act, 1856," be in some respects amended :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas plans and sections of the intended railway or tramway, and plans of the lands intended to be taken or which may be taken for the purposes of this Act, and a book of reference thereto respectively, have been deposited with the clerk of the peace for the county of Gloucester, which plans, sections, and book of reference are in this Act called the deposited plans, sections, and book of reference :

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 Cheltenham Gas Act, 1872."

Provisions  
of general  
Acts herein  
named in-  
corporated.

2. "The Lands Clauses Consolidation Acts, 1845, (except that the clauses and provisions of that Act relating to the taking of lands otherwise than by agreement shall apply only to the coach road,) 1860, and 1869," the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters ; viz., the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the consolidation of the shares into stock, the making of dividends, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested, and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," "The

Gasworks Clauses Act, 1847," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) of "The Railways Clauses Act, 1863," except the sections numbered 6 and 7 and 8 of that Act, are (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) hereby incorporated with this Act. "The Gasworks Clauses Act, 1871," shall apply to the entire undertaking of the Company, as if the same were hereby authorised.

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Interpre-  
tation of  
terms.

3. In this Act, and in any Acts and parts of Acts herewith incorporated, the expressions "the Company" and "the undertakers" respectively mean the Cheltenham Gaslight and Coke Company; the word "share" includes stock; the term "special Act" means this Act; 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 that expression is used were an ordinary 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 county courts.

4. The limits within which the Company are authorised to supply gas are hereby extended so as to comprise and include the parishes Up Hatherley, Badgworth, Shurdington, and Staverton, in the county of Gloucester, (all which are hereafter in this Act designated "the Company's extended limits,") and within and throughout the Company's extended limits the Company may supply gas for public and private purposes; and "The Cheltenham Gas Act, 1856," (as amended by this Act,) and this Act shall henceforth be in force and have effect accordingly, and shall be read together as one Act; but nothing in this Act or the recited Act contained shall authorise the Company to convert into capital any moneys borrowed or to be borrowed under the powers of the recited Act or this Act.

Limits of  
Act.

5. On and after the first day of October one thousand eight hundred and seventy-two, the clause of the Cheltenham Gas Act, 1856, numbered 47 (limiting the price of gas) is hereby repealed, and thenceforth for gas supplied within the parish of Cheltenham to persons consuming the same by meter the Company shall not demand or take any sums exceeding the rate of four shillings, and for gas so supplied elsewhere they shall not demand or take any sums exceeding the rate of five shillings, per thousand cubic feet.

Price of gas.

6. Where any money is deposited by any person by way of security with the Company for the payment to them of all moneys

Company  
to pay  
interest on  
deposit.

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which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Company shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security, for every six months during which the same remains in their hands.

Power for  
Company to  
make rail-  
way.

7. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway or tramway herein-after described, with all proper stations, approaches, sidings, works, and conveniences connected therewith, and may (but except as regards the said coach road by agreement only) enter on, take, and use such of the lands delineated on and described in the deposited plans and book of reference as may be required for that purpose. The railway or tramway herein-before referred to and authorised by this Act is,—

A railway or tramway two furlongs and nine chains or thereabouts in length, wholly in the parish of Cheltenham in the county of Gloucester, commencing by a junction with the Midland Railway at or near the point at which the river Chelt passes under the goods yard of that railway, terminating in land belonging to the Company, on the south side of the public road known as the old coach road.

Power  
to cross  
certain road  
on the level.

8. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," (except the sections numbered 6 and 7 and 8 of that Act,) contained in reference to the crossing of roads on the level, the Company may in the construction of the railway or tramway carry the same with a single line only across and on the level of the road numbered on the deposited plans 1, in the parish of Cheltenham; but the Company shall not use upon or across, or for the purpose of propelling trains, carriages, or waggons upon or across, that road any locomotive engine, atmospheric agency, or rope in connexion with a stationary engine.

Lands of  
Midland  
Company  
not to be  
taken with-  
out consent.

9. Nothing in this Act contained shall authorise the Company for the purposes of the railway or tramway by this Act authorised, except by agreement with the Midland Railway Company, at any time to take any lands acquired by the Midland Railway Company under their Acts.

As to junc-  
tions with  
line of  
Midland  
Railway.

10. Any junction to be made with the main lines of the railway shall only be made by means of sidings and according to plans to be first submitted to and approved by the engineer of the Midland Railway in writing under his hand.

**11.** If the railway or tramway is not completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted for the making and completing thereof, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

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Period for completion of works.

**12.** Notwithstanding anything in this Act or in the Acts wholly or in part incorporated with this Act contained, the railway or tramway when constructed shall be a private railway or tramway, and, unless with the consent of the Midland Railway Company, shall be used solely and exclusively for the conveyance of the traffic of the Company between their works and the railway of the Midland Railway Company.

Tramway to be private property.

**13.** The Company may apply for the purposes of this Act any money which they are authorised by the Cheltenham Gas Act, 1856, to raise, and which is not required for the purposes of that Act.

Application by Company of existing funds for gasworks.

**14.** In addition to the money which the Company were by the Cheltenham Gas Act, 1856, authorised to raise, they may from time to time raise any additional sums not exceeding in the whole the sum of eighty thousand pounds by the issue of new ordinary shares or stock.

Power to raise additional capital.

**15.** It shall not be lawful for the Company to issue any such share, nor shall any such 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 share has been paid up in respect thereof.

Shares not to issue until one fifth paid up.

**16.** 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 successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Limitation of calls.

**17.** Money raised by the Company under this Act shall form part of the general capital of the Company, and shall be applied for purposes authorised by the Cheltenham Gas Act, 1856, or this Act, and not otherwise.

Money to form part of general capital.

**18.** 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 eighty 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.

**19.** The Company may from time to time, in addition to the sums authorised by the Cheltenham Gas Act, 1856, 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

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Restriction on borrowing.

**20.** 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 or portion of stock 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 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.

**21.** All mortgages and bonds granted by the Company in pursuance of the Cheltenham Gas Act, 1856, 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.

Receiver for mortgagees.

**22.** The amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand seven hundred pounds in the whole.

Interest on mortgages and debenture stock to rank equally.

**23.** Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts, &c.

**24.** All moneys raised on mortgage by the Company under this Act and the interest due thereon, and the interest due on debenture stock created and issued under this Act, shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act; but this priority shall not affect any claim against the Company in respect of any rentcharge granted or to be granted by them in pursuance of

the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained affect any claim for land taken, used, or occupied by the Company for the purposes of their works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

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**25.** The sections (35 and 36) of the Cheltenham Gas Act, 1856, prescribing the periods for holding general meetings of the shareholders of the Company, and relating to the balancing of the Company's books and to their balance sheets, are hereby repealed.

Repealing existing provisions as to general meetings and as to balancing books.

**26.** The prescribed periods for the holding of ordinary meetings of the Company shall be in the months of March and September in each year.

Future general meetings.

**27.** The books of the Company shall be balanced up to and including the thirtieth day of June and the thirty-first day of December respectively in every year, and the first balance sheet to be made up after the passing of this Act shall extend to all the transactions of the Company subsequent to the date of making up the last balance sheet under the Cheltenham Gas Act, 1856.

Future period for balancing books, &c.

**28.** For the purposes of the "Gasworks Clauses Act, 1871," (section 5,) the lands described in the first part of the schedule to this Act shall be deemed to be the "lands described in the special Act," and the Company shall not store gas except upon those lands, and upon the land described in the second part of that schedule, without the previous consent in writing of the owner, lessee, and occupier of every dwelling-house situate within three hundred yards of the limits of the site where gas is intended to be stored.

Limitation of sites for manufacture and storage.

**29.** On the expiration of the year of our Lord 1872, the sections of the Cheltenham Gas Act, 1856, relating to the quality of the Company's gas (numbered 58), relating to the erection of a meter (numbered 59), relating to the testing, and imposing a penalty for inadequate illuminating power (numbered 60), and relating to the costs of experiments (numbered 61), are by this Act repealed; but until the expiration of the year 1872 the number of candles, the testing place, and the apparatus required by those sections shall be deemed the prescribed number of candles, testing place, and apparatus within the meaning of the Gasworks Clauses Act, 1871.

Repeal of certain provisions of existing Act.

**30.** On and from the first day of January 1873, the prescribed pressure in the mains of the Company shall be not less than seven tenths of an inch head of water at the junctions therewith of the service pipes supplying the respective consumers, the prescribed

Future quality of gas, testing place, &c.

A.D. 1872. number of sperm candles of six in the pound shall be fifteen, the prescribed place for the testing place shall be any place within the Company's works for the time being, and the prescribed burner shall be Sugg's London argand burner, No. 1, with a six-inch by one-and-three-quarter inch glass chimney, but if at any time the gas flame tails over the top of that glass, a six-inch by two-inch chimney shall be used, and the photometer shall be that known as Letheby's open sixty-inch photometer, with a proper meter, minute clock, governor, pressure gauge, and balance, and the two candles to be used together in testing shall be uncased.

Penalties to be paid out of Company's divisible profits.

**31.** All penalties imposed by the Gasworks Clauses Act, 1871, for defect in pressure, purity, or illuminating power, shall be borne and paid exclusively by and out of the divisible profits of the Company, and by way of reduction of dividend, and the deficiency thereby caused shall not be made up out of the reserved fund, or the profits of any subsequent year: Provided always, that if it is proved that such defect arose from unavoidable cause or unavoidable accident, the amount recovered against the Company by way of any such penalty as aforesaid may, if the directors of the Company so determine, be ultimately borne and paid by and out of any surplus profits after payment of a dividend at the prescribed rate, if there be any surplus profits available for that purpose, and if not, then out of the reserved fund (if any).

Testing place and connexion with main.

**32.** The testing place shall be in such position that all gas supplied to the town shall freely pass from the main or mains through such testing place.

Purity of gas, and mode of testing for ammonia, &c.

**33.** The gas supplied by the Company shall not, as to its purity, contain more than five grains of ammonia in any form, nor more than thirty grains of sulphur, (other than sulphuretted hydrogen, of which, as provided by the Gasworks Clauses Act, 1871, there shall be no trace,) in every one hundred cubic feet of gas. The apparatus for and mode of testing the presence in the gas of ammonia and sulphur compounds other than sulphuretted hydrogen shall be that prescribed for the time being by the referees under the City of London Gas Act, 1868, and shall be under the control of the said Commissioners, or the person appointed by them to test the gas.

Power to stop up Alstone Terrace Road.

**34.** The Company may stop up and discontinue the existing road called Alstone Terrace Road, and thereupon all public and other rights of way and easements over, along, or in respect of the road so stopped up and discontinued shall be by virtue of this Act extinguished.

As to level crossing of tramroad.

**35.** In crossing the coach road the centre line of the tramway shall be level with the surface of such road. The space between the



rails shall be pitched with Cleehill sets or other approved stone laid level with the rails, and along the outside of the rails there shall on each side be a course of strong pitching stone of the same quality and also laid level with the rails, and the whole shall be maintained in proper repair by the Gas Company, who shall also, at the time of the execution of the works, properly make good the roadway to the line of the rails. A.D. 1872.

**36.** Saving always, except as in this Act expressly provided, to the Cheltenham Improvement Commissioners and their successors their respective rights, privileges, and franchises in such and the same manner as if this Act had not been passed. Saving rights  
of Cheltenham  
Improvement  
Commissioners.

**37.** 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.

A.D. 1872.

The SCHEDULE referred to in the foregoing Act.

**FIRST PART.**

*(Lands for Manufacture and Storage.)*

The lands in the parish of Cheltenham now occupied by the Company's works, bounded on or towards the east partly by the Tewkesbury turnpike road and partly by the Cheltenham Improvement Commissioners yard, on or towards the west by Alstone Terrace Road, on or towards the south partly by the Gloucester turnpike road and partly by the said Commissioners yard, and premises in the occupation of Mr. Little, and on or towards the north by the road called the coach road.

**SECOND PART.**

*(Lands for Storage.)*

The site of the Alstone Terrace Road, and the lands bounded on or towards the east by that road, on or towards the west by the road leading from the Gloucester turnpike road to the Alstone Road, near the mill, on or towards the south by the Gloucester turnpike road, and on or towards the north by the road called the coach road.

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