

**CHAPTER xxiii.**

An Act to amend the Gaslight and Coke Company's Act, A.D. 1872.
 1868, and the Schemes confirmed under the authority of
 the City of London Gas Act, 1868, for the amalgamation
 of the City of London Gaslight and Coke Company and
 the Great Central Gas Consumers Company with the Gas-
 light and Coke Company, and to authorise the Gaslight
 and Coke Company to raise additional Capital; and for
 other purposes. [13th May 1872.]

WHEREAS by the City of London Gas Act, 1868, (in this Act Recital of
Gas Acts.
 referred to as the City Act, 1868,) the Metropolis Gas Act,
 1860, was amended, and further provision was made for regulating
 the supply of gas to the City of London; and by the said Act it was
 (amongst other things) provided that the Companies in the said Act
 mentioned might, subject to the conditions therein specified, settle a
 scheme for the amalgamation of the said Companies, or some of
 them, and that when the same was confirmed by Order of Her
 Majesty in Council it should have full effect, and be as binding as
 if it had been enacted by Parliament:

And whereas by the Gaslight and Coke Company's Act, 1868,
 (in this Act referred to as the Company's Act, 1868,) the Acts
 relating to the Gaslight and Coke Company were consolidated and
 amended:

And whereas in pursuance of the recited provisions of the City
 Act, 1868, the Gaslight and Coke Company and the City of London
 Gaslight and Coke Company, being two of the Companies referred
 to in the said Act, settled a scheme for their amalgamation:

And whereas by Order in Council, dated the thirty-first day of
 March one thousand eight hundred and seventy, Her Majesty was
 pleased to confirm the said scheme, as set forth in the schedule to
 the said Order, for the amalgamation of the said two Companies

A.D. 1872. — into one Company, under the name of “The Gaslight and Coke Company:”

And whereas in further pursuance of the said provisions of the City Act, 1868, the Gaslight and Coke Company (so amalgamated as aforesaid) and the Great Central Gas Consumers Company, being another of the Companies mentioned in the City Act, 1868, settled a scheme for their amalgamation :

And whereas by Order in Council, dated the sixth day of July one thousand eight hundred and seventy, Her Majesty was graciously pleased to confirm the said scheme, as set forth in the schedule to the said Order, for the amalgamation of the said two Companies into one Company, under the name of “The Gaslight and Coke Company” (in this Act referred to as “the Company”):

And whereas by “The Gaslight and Coke Company’s Act, 1870,” the Company were authorised to acquire and they have since acquired the undertaking of the Victoria Docks Gas Company :

And whereas by “The Gaslight and Coke Company’s Act, 1871,” the Company were authorised to acquire and they have since acquired the undertaking of the Equitable Gaslight Company ; and by the same Act the Company are authorised to construct a short railway to connect their works at Beckton with the Great Eastern Railway, and such railway is in course of formation :

And whereas the consumption of gas within the district supplied by the Company is rapidly increasing, and to meet such increase, and for the general purposes of the Company, it is necessary that the Company be empowered to raise further capital, and it is expedient that they be authorised to raise the same in manner by this Act provided, and that the present powers of the Company should be enlarged, to enable them the more effectually to carry on their undertaking, and that for such purpose such provisions should be made as are in this Act contained :

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

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as “The Gaslight and Coke Company’s Act, 1872.”

Construction of Act. 2. The Company’s Act, 1868, as amended by this Act, and this Act shall be read and construed together as one Act.

3. The provisions in “The Companies Clauses Consolidation Act, 1845,” with respect to the following matters; (that is to say,)

A.D. 1872.

Provisions of
general Acts
herein named
incorporated.

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 shares into stock ;

The making of dividends ; and

The giving of notices ;

Parts 1, 2, and 3 of “The Companies Clauses Act, 1863,” relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock ;

are (except where expressly varied by this Act or inconsistent with the express provisions thereof) incorporated with and form part of this Act.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Interpreta- tion of terms.

5. The Company may from time to time raise (in addition to their present capital) any further sum not exceeding in the whole one million pounds by the creation and issue of new ordinary shares or of new preference shares, or (at the option of the Company) by both of these modes.

Power to
Company to
raise addi-
tional
capital.

6. 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.

7. 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.

Calls.

8. The Company may create and issue debenture stock, and may attach thereto a fixed preferential interest not exceeding six pounds per centum per annum.

**Power to
create
debenture
stock.**

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Interest on
debenture
stock to
rank *pari*
passu with
interest on
mortgages.

Privileges,
&c. of hold-
ers of new
capital.

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

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 by this Act 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 which the Company were previous to the passing of this Act authorised to raise.

Power to
borrow on
mortgage.

11. The Company from time to time, in addition to the sums which previous to the passing of this Act they were authorised to borrow, may borrow on mortgage, in respect of every 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 every ten thousand pounds of such additional capital.

Limitation
as to borrow-
ing of money.

12. The Company shall not under the powers of this Act borrow any part of any of the respective sums of two thousand five hundred pounds by this Act authorised to be borrowed until the whole of the ten thousand pounds of the additional capital by this Act authorised to be raised by new shares in respect of which it is to be so borrowed is issued and taken, and one half thereof is actually paid up, and the Company shall have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of the said respective sum of ten thousand pounds of capital has been issued and taken up, and one half thereof has been actually paid up, and not less than one fifth part of the amount of every separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the said respective sum of ten thousand pounds of capital was issued and taken *bonâ fide*, and is held by persons 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.

13. Nothing in this Act contained shall empower the Company to raise the sum authorised by this Act to be borrowed, or any part thereof, by creating new shares of the Company instead of borrowing the same, or having borrowed the same to continue at interest only a part of the said sum, and to raise part thereof by creating new shares.

A.D. 1872.
 ———
 Borrowed money not to be converted into capital.

14. All mortgages and bonds granted by the Company previous to 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.

Existing mortgages to have priority.

15. All moneys borrowed on mortgage under this Act, from the time when the same shall be advanced, and the interest for the time being due thereon, shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts to be incurred or engagements to be entered into by them: Provided always, that such priority shall not prejudice or affect any claim, right, or remedy against the Company or their property in respect of any rentcharge to be granted by them in pursuance of the provisions of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, nor shall anything herein-before contained prejudice or affect any claim or lien in respect of any land taken by the Company for the purposes of their undertaking, or injuriously affected by the exercise of any of the powers by this Act conferred upon the Company.

Moneys borrowed on mortgage to have priority.

16. Section 59 of the Company's Act, 1868, shall be and the same is hereby repealed; and notwithstanding anything contained in the 31st section of the said scheme for the amalgamation of the City of London Gaslight and Coke Company with the Gaslight and Coke Company, and in the 32nd section of the said scheme for the amalgamation of the Great Central Gas Consumers Company with the Gaslight and Coke Company, and in the 52nd section of the Gaslight and Coke Company's Act, 1871, the Company may apply the net proceeds of any sale, either before or after the passing of this Act, of any lands not required for the purposes of their undertaking, and made under the provisions of the Company's Act, 1868, or of the said schemes, or of the said Gaslight and Coke Company's Act, 1871, to defray the expenses of any new works which they are authorised to make.

Repeal of section 59 of the Gaslight and Coke Company's Act, 1868; Company may apply proceeds of sale of superfluous lands to new works.

17. In case any person who shall have been supplied with gas by the Company shall neglect or refuse to pay the amount due in respect of such supply, or the use or repair of any meter, any justice

Recovery of charges for gas.

A.D. 1872. — may issue his summons to such person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid; and if on the appearance of such person, or in default of appearance after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, any justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the cost of cutting off the gas, if the same shall have been cut off by the Company, as to such justice shall seem just and reasonable.

Tenant not
to pay arrears
of outgoing
tenant, un-
less by ex-
press agree-
ment.

18. In case any consumer leave the premises where gas was supplied to him without paying to the Company the rate or meter rent due from him, the Company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears, or unless the incoming tenant shall continue the trade or business of the outgoing tenant, and shall have paid to the owner, lessee, or mortgagee in possession, or to the outgoing tenant of such premises, a consideration for so doing; but the Company shall, notwithstanding any such arrears, in the absence of collusion between the outgoing and incoming tenant, supply gas to the incoming tenant as required by this Act, on being required by him to do so.

Company's
works on
Thames
Bank near
Lupus Street
not to be
enlarged.

19. The Company shall not increase or permit to be increased the present capacity for the manufacture of gas of the gasworks which belonged to the Equitable Gaslight Company, and now belong to the Company, situate at or near Lupus Street or Thames Bank, Pimlico.

Expenses
of Act.

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