



CHAPTER lxxxix.

An Act for granting further powers to the Belfast Gaslight Company. A.D. 1873.
[7th July 1873.]

WHEREAS by "The Belfast Gas Act, 1852," the Belfast Gaslight Company (who are herein referred to as "the Company") were incorporated and authorised to light with gas the town and suburbs of Belfast, and by that Act it was provided that the capital of the Company should be one hundred and six thousand pounds, and the Company were also thereby empowered to borrow to the extent of eighteen thousand six hundred and sixty-six pounds: 15 & 16 Vict. c. xv.

And whereas by "The Belfast Gas Act, 1865," the Company were authorised to raise an additional share capital of ninety-four thousand pounds, and to borrow any sums not exceeding in the whole, inclusive of the sum authorised to be borrowed by "The Belfast Gas Act, 1852," the sum of fifty thousand pounds: 28 & 29 Vict. c. xcvi.

And whereas, within the limits of the said Act, of late years much land has been laid out for building purposes, many new streets have been formed, and numerous houses, manufactories, and works have been erected, and the trade and population have greatly increased and are still increasing:

And whereas the Company have expended or are about to expend all the capital which they were authorised to raise by the said Acts, and now owe upon mortgage twenty-three thousand three hundred and eighty pounds, and the Company require further capital to enable them effectually to carry on their undertaking:

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 Parliament assembled, and by the authority of the same, as follows; (that is to say,)

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Short title.

Provisions
of general
Acts herein
named in-
corporated.

1. This Act may be cited as "The Belfast Gas Act, 1873."

2. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

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 making of dividends;

The giving of notices;

The provision to be made for affording access to the special Act by all parties interested;

and the following provisions of "The Companies Clauses Act, 1863;" that is to say,

Part I. (relating to cancellation and surrender of shares):

Section 13 (regulations as to creation and issue of new preference shares):

Section 14 (preference shareholders to be entitled to dividends only out of the profits of the year):

Section 15 (terms, &c. to be stated in certificate):

Section 16 (unissued shares and stock may be cancelled):

are (except where varied by this Act or inconsistent with the provisions thereof) incorporated with and form part of this Act; and "The Gasworks Clauses Act, 1871," shall apply to the existing undertaking of the Company as if the same had been authorised by this Act.

Interpre-
tation of
terms.

3. 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, and in construing this Act and in construing for the purposes of this Act the Acts incorporated therewith,—

The expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any other Act wholly or partially incorporated herewith, are to be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to
raise ad-
ditional
capital.

4. In addition to the capital authorised by the recited Acts, the Company may from time to time raise, by the creation of new preference shares, such further sum or sums as they may think

proper, not exceeding in the whole twenty thousand pounds, and such additional capital shall, subject to the provisions of this Act, form part of the general capital of the Company, and may be disposed of by the directors at such times, to such persons, on such terms and conditions as the directors think advantageous to the Company, but so that not less than the full nominal amount of any share be payable or paid in respect thereof.

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5. Any new shares issued under this Act shall be of a nominal amount of not less than ten pounds.

As to amount of new shares.

6. 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 two thirds of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

7. The Company shall not 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 shall have been paid up in respect thereof.

New shares not to issue until one fifth paid up.

8. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than five pounds in respect of every one hundred pounds actually paid up of such capital:

Limit of dividend on new capital.

9. The Company may purchase and redeem such new shares by payment to the holders thereof of the amount which shall have been called up and paid, and the following provisions shall have effect; that is to say,

New shares may be redeemed by Company or their assigns.

Such purchase and redemption shall be made at the expiration of five years from the date of the first call made in respect of such new shares, or previous to the expiration of such five years, upon the Company giving six months notice in writing of their intention to purchase and redeem the same, at a time and place to be mentioned in such notice, to the several holders of such shares, addressed to the registered addresses of such holders:

On the expiration of the said five years or of such notice, as the case may be, the Company shall pay to each holder who shall deliver up to be cancelled his certificate for any such new share or shares, or shall give proof to the satisfaction of the Company that such certificate has been lost or destroyed, the amount called up and paid in respect of such share or shares, together with any arrears of dividend which shall be due or accruing thereon up to the time so fixed for redemption:

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Provided that no shareholder shall be entitled to demand such payment unless and until he shall have paid all moneys due in respect of such shares :

The Company shall cancel the certificates so delivered up and all shares purchased or redeemed in manner aforesaid :

From and after the time fixed for redemption the holders of the said new shares shall cease to be entitled to any further dividend thereon unless they shall, in pursuance of the provisions herein-before contained, have tendered their certificates of such shares to be cancelled, or shall have given proof to the satisfaction of the Company that such certificates have been lost or destroyed, and the Company shall have failed to pay the purchase or redemption money due in respect of such shares :

The certificates of such new shares shall state that they may be redeemed or purchased in manner aforesaid.

Receipts of guardians, &c. to be sufficient discharge.

10. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company or their assigns for the same.

Power to borrow on mortgage.

11. In addition to the sum of fifty thousand pounds which the Company are authorised to borrow under the recited Acts, they may from time to time borrow on mortgage in respect of the additional capital of twenty thousand pounds by this Act authorised to be raised by shares any sums not exceeding in the whole the sum of five thousand pounds, but no part of that sum shall be borrowed until the Company shall have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate new share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, or their executors, administrators, successors, or 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: Provided that the Company shall not borrow any portion of the said sum of five thousand pounds at a rate of interest exceeding

five pounds per centum per annum, and that the money borrowed shall be expressed in the mortgage deed to be repayable on six calendar months notice being given in that behalf. A.D. 1873.

12. All mortgages granted by the Company in pursuance of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall, during the continuance of such mortgages, have priority over any mortgages granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. Priority of existing mortgages.

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

14. The Company shall not raise any portion of the said sum of five thousand pounds by the issue of debenture stock. No debenture stock.

15. All moneys raised under this Act by the Company, whether by shares or borrowing, shall be applied only for the purposes by the recited Act or this Act authorised. Application of moneys.

16. No lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands mentioned in the schedule to this Act. Gas not to be manufactured except on lands scheduled.

17. All gas supplied by the company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset of not less than seven tenths of an inch, and from sunset to midnight of not less than one inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the "Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of the "Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure, provided that sufficient notice in writing shall be given to the Company of the time and place at which such testing shall be conducted to enable them to be represented thereat. Pressure of gas.

18. The prescribed number of candles shall be fourteen. Quality of gas.

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Repeal of
ss. 33 & 34
of 28 & 29
Vict. c. 96.

Corporation
to maintain
testing ap-
paratus.

19. Section thirty-three (Company to maintain a meter and test illuminating power of gas) and section thirty-four (power to test illuminating power of gas) of the Belfast Gas Act, 1865, are hereby repealed.

20. And whereas the mayor, aldermen, and burgesses of the borough of Belfast, herein-after called the corporation, have caused to be erected and fitted up in the town hall of the said borough an experimental meter and apparatus for testing the illuminating power and purity of the gas supplied by the Company : Therefore the corporation shall at all times keep and maintain such experimental meter and apparatus in good repair and working order, or shall in lieu thereof erect and provide and keep and maintain in good repair and working order a like meter and apparatus.

Power to test
the gas.

21. It shall be lawful for the said corporation, acting by the town council of the borough, from time to time by order in writing under the hand of the town clerk to appoint some competent person to test the illuminating power and purity of the gas supplied by the Company, and the person so appointed, on giving three hours previous notice in writing to the Company, may at any reasonable hour make experiment of the illuminating power and purity of the gas by means of such experimental meter and apparatus, 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 nor members of the corporation, 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 if it shall be proved that the said gas contained a sufficient quantity of sulphuretted hydrogen to discolour the usual test paper, or that the Company or any of 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 ten pounds as the said justices shall determine : Provided always, that the manager or some other officer of the Company deputed on its behalf shall be at liberty to attend and watch the making of any such experiment, and for this purpose to enter upon the premises of the corporation.

Burner.

22. The prescribed burner shall be the argand burner prescribed by the Belfast Gas Act, 1865.

Company to
pay interest
on deposits.

23. When any owner or occupier is required by the Company to give to them security for the payment of the price or rent of a meter, the Company shall pay interest at the rate of five pounds per centum

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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. A.D. 1873.
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24. 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.

SCHEDULE referred to in the foregoing Act.

The lands now held by the Company, and on which their gasworks for making gas are situate, and lands immediately adjoining thereto, such several lands not to exceed in the whole sixteen statute acres.

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