



## CHAPTER xxxvi.

An Act for empowering the Peterborough Gas Company to construct new works, to acquire additional lands for the same ; and for other purposes. A.D. 1874.  
[30th June 1874.]

**W**HEREAS by the Peterborough Gas Act, 1868, the Peterborough Gas Company (in this Act called the Company) were incorporated and empowered, for the purpose of manufacturing gas and supplying the same to the parish of St. John the Baptist, Peterborough, and the parish of the Minster Precincts, Peterborough, the parish of Paston, and the hamlets or chapelries of Gunthorpe, Walton, and Werrington, all in the liberty of Peterborough in the county of Northampton, the parishes or places of Fletton, New Fletton, Stanground, and Woodstone, all in the county of Huntingdon, and the parish of Stanground, in the Isle of Ely in the county of Cambridge :

And whereas since the passing of the said Act much land within the limits thereof 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 and demand for gas therein have greatly increased and are still steadily increasing :

And whereas by the said Act the capital of the Company was fixed at thirty thousand pounds, with power to borrow on mortgage the further sum of seven thousand five hundred pounds :

And whereas the Company have raised as capital and expended for the purposes of their undertaking the sum of twenty-nine thousand pounds, and owe on mortgage the further sum of six thousand four hundred and forty-six pounds ten shillings, and require further power and capital effectually to carry on their undertaking :

And whereas it is expedient for the purpose of meeting the increased demand for gas that the works of the Company should be increased and improved, and that the Company should be

A.D. 1874. — authorised to construct additional works, and to acquire by purchase a site for the purpose on lands adjoining their present works :

And whereas, owing to the expenses incurred in laying mains and supplying gas, it is expedient that an increased rate should be charged to places distant from the centre of the town of Peterborough for such supply :

And whereas it is expedient to simplify the recovery of gas rents, and to prevent fraud on the part of consumers :

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

And whereas plans describing lands that may be taken under this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands, and describing the same, have been deposited with the clerk of the peace for the county of Northampton and with the clerk of the peace for the liberty of Peterborough (which are in this Act referred to as the deposited plans 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 as the "Peterborough Gas Act, 1874."

Provisions of certain general Acts incorporated.

2. The following Acts (as far as they are applicable for the purposes, and not inconsistent with the provisions of this Act) are hereby incorporated with this Act ; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ; the clauses and 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 consolidation of the shares into stock ; the general meetings of the Company, and the exercise of the right of voting by the shareholders ; 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 ; Parts I. (cancellation and surrender of shares) ; II. (additional capital) ; and III. (debenture stock) of the Companies Clauses Act, 1863 ; and the Companies Clauses Act, 1869, the Gasworks Clauses Act, 1847, and the

Gasworks Clauses Act, 1871, shall apply to the existing undertaking of the Company as if the same were hereby authorised. A.D. 1874.

3. The Peterborough Gas Act, 1868 (in this Act referred to as "the Act of 1868"), and this Act shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Act. Construction of Act.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Peterborough Gas Company; the expression "the works," or "the gasworks," or "the undertaking," mean respectively and include the gasworks and works connected therewith already constructed by the Company or any gasworks they may provide under the powers of this Act; and for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or the Acts incorporated herewith, shall include county courts in respect to all matters within their jurisdiction, and 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. Interpretation of terms.

5. The future ordinary general meetings of the Company shall be held in the months of February and August in each year, and the first ordinary general meeting of the Company after the passing of this Act shall be held in the month of August 1874. General meetings.

6. Subject to the provisions of this Act, and on the site by this Act authorised, the Company may erect, construct, make, and maintain works for the manufacture and storage of gas, and of the several residual products, matters, and things arising from the manufacture of gas, and such other works, buildings, yards, roads, ways, approaches, conducting pipes, appliances, and conveniences necessary for the manufacture, storage, and distribution of gas, or the manufacture, conversion, utilisation, and storage of such residual products, matters, and things as aforesaid, and subject to the provisions of this Act may enter on, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as the Company require for those purposes or any of them. Power to construct works and take lands.

7. The Company may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to sell lands, may grant to them, any easement, right, or privilege in, over, affecting, or belonging to lands required for the purposes of Power to agree for easements, &c.

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this Act at a yearly rent or otherwise; but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such easement, right, or privilege shall be deemed lands within the meaning of those Acts.

Powers for compulsory purchases limited.

8. The powers of the Company for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the commencement of this Act.

Power to purchase lands by agreement.

9. The Company may for the purposes of their undertaking, purchase, take, and hold (by agreement but not otherwise), in addition to the lands described in the schedule to this Act and in the first schedule to the Act of 1868, any lands and hereditaments not exceeding in the whole ten acres, which the Company may from time to time require for the purposes of their works and undertaking; but no lands shall be used by the Company for the purpose of manufacturing gas or residual products, except the lands described in the schedule to this Act and in the first schedule to the Act of 1868.

Gas not to be manufactured except on lands in schedule.

Power to raise additional capital.

10. In addition to the capital authorised by the Act of 1868, the Company may from time to time raise by the creation of new ordinary or new preference shares, or at the option of the Company by both of these modes, such further sum or sums as they may think proper, not exceeding fifty thousand pounds, in shares of ten pounds each, to be called "new A shares."

New shares not to issue until one fifth paid up.

11. The Company shall not issue any new shares created under the authority of this Act, nor shall any 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.

Calls.

12. One fifth of the amount of a new A share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls.

Limit of dividend on new capital.

13. The Company shall not in any year make out of their profits any larger dividend on the additional share capital of fifty thousand pounds, to be raised under the powers of this Act, than seven pounds in respect of every one hundred pounds actually paid up of such capital on ordinary shares, or six pounds in respect of every one hundred pounds actually paid up of such capital on preference shares.

Dividends on different classes of stock or shares to be

14. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary

stock or shares in the capital of the Company, a rateable deduction shall be made in the dividend of each class.

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paid rate-ably.

Power to borrow in respect of additional capital.

**15.** In addition to the sum of seven thousand five hundred pounds which the Company are authorised to borrow by the Act of 1868, they may from time to time borrow on mortgage in respect of the additional capital of fifty thousand pounds by this Act authorised to be raised by shares, any sum not exceeding in the whole twelve thousand five hundred pounds, and the Company may, when fifteen thousand pounds, part of such additional capital, has been issued and accepted and one half thereof has been paid up, borrow on mortgage such sum or sums of money not exceeding in the whole three thousand seven hundred and fifty pounds as may from time to time be authorised to be borrowed by order of a general meeting of the Company, and when each additional sum of five thousand pounds beyond the said amount of fifteen thousand pounds of such additional capital has been issued and accepted, and one half the amount of each sum has been paid up, the Company may borrow on mortgage in respect of each such sum of five thousand pounds any sum or sums not exceeding in the whole one thousand two hundred and fifty pounds; but in no case shall any part of the said respective sums be borrowed until the Company shall 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 capital in respect of which such borrowing powers are sought to be exercised 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 share in such capital 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, 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 shall be sufficient evidence thereof.

**16.** The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on the 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 than five hundred pounds in the whole.

Arrears may be enforced by the appointment of a receiver.

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Priority of existing mortgages.

As to conversion of borrowed money into capital.

Priority of mortgages and debenture stock over other debts.

**17.** Every mortgage granted by the undertakers under the Act of 1868 shall have priority over all mortgages and debenture stock granted under this Act.

**18.** The Company shall not have the power to convert borrowed money into capital other than preference or ordinary stock, with a maximum dividend of five pounds per centum per annum.

**19.** All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of 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 any debts incurred or engagements entered into by them after the passing of this Act : Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rent-charge 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, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to, or *pari passu* with, the interest or dividends on their mortgages or debenture stock, 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.

Power to create debenture stock.

Interest on mortgages and debenture stock to rank equally.

**20.** The Company may create and issue debenture stock, bearing interest not exceeding five pounds per centum per annum.

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

Price of gas.

**22.** Subject to any contracts subsisting at the passing of this Act between the Company and any consumers, the Company may, after the passing of this Act, charge to consumers by meter for each one thousand cubic feet of gas, a price not exceeding the following respective amounts ; that is to say, in the town of Peterborough and within a radius of one mile from the centre of the market place thereof, five shillings, and outside such radius six shillings and sixpence; provided that nothing in this Act contained shall authorise the Company to charge the lighting authorities of the town of Peterborough for the time being for the lighting of the public

lamps within the municipal limits, as defined by the charter of incorporation, a price calculated at a rate higher than five shillings per thousand cubic feet of gas.

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**23.** The prescribed testing place shall be the place and apparatus, and the prescribed quality of gas shall be the quality provided respectively by the Act of 1868.

Prescribed testing place and quality of gas.

**24.** The prescribed burner shall be any burner for the time being approved by the Board of Trade, or if there shall be no such burner, then Sugg's London argand burner, number one, with a six inch by one and three quarters 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.

Prescribed burner.

**25.** All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an 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 on each occasion of such testing not less than two hours notice in writing shall be given to the Company of the time and place at which such testing shall be conducted.

Pressure of gas.

**26.** Any consumers desiring to discontinue a supply of gas on any premises where a meter has been fixed for their use, shall give to the Company twenty-four hours notice in writing of such their intention, and on neglect of giving such notice shall be liable to pay and shall pay to the Company for all gas registered by such meter up to and until the expiry of twenty-four hours from the receipt of such notice.

Notice of intention by consumers to discontinue gas supply.

**27.** The Company may apply for the purposes of this Act any money which they have raised or are authorised to raise under the Act of 1868.

Application of corporate funds.

**28.** If any person is required by the Company to give to them security for the payment of the price or rent of a meter, the

Company to pay interest on money

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deposited as security for gas meter, &c.

Application of money.

**29.** All money raised under this Act, whether by shares, stock, or borrowing, shall be applied for the purposes of this Act only.

Expenses of Act.

**30.** The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

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### SCHEDULE referred to in the foregoing Act.

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#### The LANDS scheduled to the Act of 1868.

Lands situate in Boonfield in the parish of St. John the Baptist, Peterborough, in the liberty of Peterborough, in the county of Northampton, and adjoining the existing gasworks of the Company, now in the respective occupations of Absalom George Brinkler, Mary Ann Beale, Frederick Rees Barrett, Edward Bothamley, Robert Gailer, and the Company, and bounded on the north partly by land belonging or reputed to belong to the heirs, devisees, or assigns of the late Honourable George Wentworth Fitzwilliam, partly by the approach road or way leading from the present gasworks to the New road, and partly by land belonging or reputed to belong to the Company; on the east partly by land belonging or reputed to belong to the Company, partly by land belonging or reputed to belong to the trustees of the late Elias Trowell, and partly by land belonging or reputed to belong to the heirs, devisees, or assigns of the said late George Wentworth Fitzwilliam; on the south partly by the said approach road or way, partly by land belonging or reputed to belong to the Company, partly by land belonging or reputed to belong to the heirs, devisees, or assigns of the said late George Wentworth Fitzwilliam, and partly by land belonging or reputed to belong to the said trustees of the late Elias Trowell; and on the west partly by land belonging or reputed to belong to the heirs, devisees, or assigns of the said late George Wentworth Fitzwilliam, partly by the New road, partly by land belonging or reputed to belong to James Cole, and partly by land belonging or reputed to belong to the Company.