

[41 & 42 VICT.]

*Castleford and Whitwood
Gas Act, 1878.*

[Ch. clxxxvii.]



CHAPTER clxxxvii.

An Act for incorporating and conferring Powers on the A.D. 1878.
Castleford and Whitwood Gaslight and Coke Company.

[22d July 1878.]

WHEREAS in the year one thousand eight hundred and seventy-two certain persons who had been for some years previously carrying on the business of a gas company at Castleford, in the west riding of the county of York, together with other persons, formed themselves into a company, under the name of the Castleford and Whitwood Gaslight and Coke Company (Limited), herein-after referred to as "the Limited Company," for the purpose of acquiring the gasworks employed in the said business, and of supplying gas, and generally for carrying on the business usually carried on by gas companies, and such Company was duly registered under the Companies Act, 1862:

25 & 26 Vict.
c. 89.

And whereas the present share capital of the Limited Company consists of thirty thousand pounds, divided into six thousand shares of five pounds each, of which the whole has been subscribed, and twenty thousand three hundred pounds paid up, and the Limited Company have no mortgage debt:

And whereas the Limited Company purchased the pieces of land described in the schedule to this Act, and have erected and are in the course of erecting gasworks thereon, and have from time to time improved and enlarged their works with the capital raised by them, and are now supplying gas within the township of Castleford and Whitwood and places adjacent thereto, in the west riding of the county of York:

And whereas the demand for gas in and around the district supplied by the Limited Company has increased and is increasing, and it is expedient that the works aforesaid should from time to time be improved, and the mains in connexion therewith extended, and that additional capital should be provided for such improvement and extension:

A.D. 1878. — And whereas it is expedient that the Limited Company should be dissolved, and re-incorporated with further powers :

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 ; (that is to say,)

Short title. **1.** This Act may be cited as the Castleford and Whitwood Gas Act, 1878.

Incorporation
of general Acts.

8 & 9 Vict.

c. 16.

26 & 27 Vict.

c. 118.

32 & 33 Vict.

c. 48.

8 & 9 Vict.

c. 18.

23 & 24 Vict.

c. 106.

32 & 33 Vict.

c. 18.

10 & 11 Vict.

c. 15.

34 & 35 Vict.

c. 41.

2. The Companies Clauses Consolidation Act, 1845, and Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, (except the clauses with respect to the purchase and taking of lands otherwise than by agreement,) 1860, and 1869, and the Gasworks Clauses Act, 1847, (except the provisions thereof with respect to the amount of profit to be received by the undertakers,) are, subject to the provisions of this Act, incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the existing undertaking of the Limited Company as if the same had been authorised by this Act.

Interpreta-
tion of terms.

3. 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" shall mean the Company incorporated by this Act :

The expression "the works," "the gasworks," and "the undertaking" shall respectively mean and include the gasworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company, and any improvement thereof which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects, and undertaking of the Company, and every part thereof respectively :

The expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or

demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute. A.D. 1878.

4. The limits of this Act shall be the township of Castleford, in the parish of Castleford; the township of Houghton, otherwise Glass Houghton, in the parish of Castleford; the township of Whitwood, in the parish of Featherstone; so much of the township of Featherstone, in the parish of Featherstone, as lies to the north of Sewer Bridge Beck, within the same township; the township of Ackton, in the parish of Featherstone; the township of Allerton Bywater, in the parish of Kippax; the several detached parts of the township of Kippax, in the parish of Kippax; and so much of the township of Ledstone as is situate within the parish of Kippax; and so much of the township of Ledstone, in the parish of Ledsham, as lies to the south of the road leading from Kippax to Fairburn; and so much of the township of Ledsham, in the parish of Ledsham, as lies to the south of the said road leading from Kippax to Fairburn; and so much of the township of Fryston, otherwise Water Fryston, in the parish of Ferry Fryston, as lies between the River Aire and the North-eastern Railway, all in the west riding of the county of York, which limits are shown upon a map signed by the Right Honourable George Henry Charles Baron Strafford, of Harmondsworth, Chairman of the Committee of the House of Lords, to whom the Bill for this Act was referred, and deposited in the office of the Clerk of the Parliaments, and thereon distinguished by a pink colour. Limits of Act.

5. The Company shall within one month after the passing of this Act deposit a copy of the said map with the clerk of the peace for the west riding of the county of York, and the same shall be kept subject and according to the provisions of the Public General Act passed in the session of Parliament of the seventh year of the reign of King William the Fourth and the first year of the reign of Her present Majesty, chapter 83, and the Company shall also keep a copy of the said map in their principal office. Deposit of map with clerk of the peace.

6. Notwithstanding anything in this Act contained, the Company shall not, without the consent of Charles Wheler Wheler, or the owner for the time being of Ledstone Hall, supply gas or lay down or place any pipes or other works within any lands belonging to the said Charles Wheler Wheler, or the owner for the time being aforesaid, situate within the townships of Ledstone and Ledsham, excepting public roads and lands dedicated to public use, and nothing in this Act contained shall be held to prevent the said Charles For the protection of C. W. Wheler.

A.D. 1878. Wheler Wheler, or the owner for the time being aforesaid, from making and supplying gas within any lands belonging to him.

For protection of gasworks belonging to Henry Briggs, Son, and Company, Limited.

7. Notwithstanding anything in this Act contained, the Company shall not supply gas within that portion of the township of Whitwood which lies to the west and south-west of an imaginary line drawn at a distance of twenty-five yards westward and south-westward from the western and south-western sides of that portion of the Leeds and Barnsdale turnpike road which extends from the north-western boundary of the said township at Methley Bridge to the eastern boundary thereof, at the William the Fourth Inn, at Cutsyke, without the consent of Henry Briggs, Son, and Company, Limited, their successors or assigns, or of the proprietor for the time being of the gasworks now belonging to them.

Company incorporated.

8. From and after the passing of this Act the Limited Company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of that Company, and all other persons or corporations who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company, and their executors, administrators, successors and assigns respectively, shall be and they are hereby united into a company for the purposes herein-after mentioned, and shall be incorporated by the name of "The Castleford and Whitwood Gaslight and Coke Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Company to supply gas, &c.

9. The Company shall be established for supplying gas within the limits of this Act, and for manufacturing and storing gas and residual products on the lands described in the schedule to this Act, and for the purpose of carrying on the business of a gas company, and for all purposes connected therewith, and for carrying the powers of this Act into execution.

Present property of Limited Company vested in Company incorporated by this Act.

10. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the Limited Company, or any person in trust for them, or to which the Limited Company were in anywise entitled, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, syphons, apparatus, stock, effects, matters, and things which have been by them purchased, provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of the Limited Company, and

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all moneys, securities, credits, effects, and other property whatsoever, which immediately before the passing of this Act belonged to the Limited Company, or to any trustee on their behalf, and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company, or any trustee on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

11. Subject to the provisions of this Act, the memorandum and articles of association of the Limited Company shall, as to any prospective operation thereof, be wholly void, and the Company and the shareholders shall be exempted from all the provisions, restrictions, and requirements of any Act which applied to the Limited Company, and the members thereof as such; but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Memorandum and articles of association of the Limited Company to be void without prejudice.

12. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the Limited Company, or the members thereof as such, shall be as valid as if the Company had not been incorporated, and the said memorandum and articles of association had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands, the Company and its shareholders and property shall to all intents and purposes represent the Limited Company, and the members thereof as such, and the property of the

Nothing to affect previous rights and liabilities.

A.D. 1878. Limited Company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Existing contracts to be binding.

13. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the Limited Company, or any trustees or persons acting on behalf of the Limited Company, or by, to, or with any other person to whose rights and liabilities they have succeeded and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually as if, instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company, the Company had been a party thereto.

Actions, &c. not to abate.

14. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the Limited Company, or any member thereof in relation to the affairs of the Limited Company, or to which the Limited Company, or any member thereof in relation to such affairs, were parties immediately before the passing of this Act, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the Limited Company, or any member thereof, if this Act had not been passed, the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

Trustees of Limited Company to be indemnified.

15. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the Limited Company were vested immediately before the passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise on behalf of the Limited Company, shall be indemnified out of the funds and property of the Company against all liability (including costs, charges, and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond, covenant, contract, or engagement.

Company to satisfy liabilities of Limited Company.

16. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and

liabilities to which the Limited Company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the Limited Company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

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17. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to recovery of gas rents, &c.

18. All persons who immediately before the passing of this Act, owed any money to the Limited Company, or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing upon the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company, or for the payment of which the Limited Company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

As to payment of existing debts.

19. Notwithstanding the avoidance of the said memorandum and articles of association, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force, and continue and be available in all respects as if they had not been avoided.

Certificates, &c. to remain in force.

20. All documents, books, and writings which, if the said dissolution and avoidance had not taken place, would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such dissolution and avoidance.

Books, &c. continued evidence.

21. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever, as if they had been appointed under this Act.

Officers to continue until removed.

22. Subject to the provisions of this Act, the books kept by the Limited Company for entering the names and designations of the

Present register of members

A. D. 1878. members thereof, with the numbers of their shares, and the proper
distinguishing number of such shares, shall and may continue to be
kept for the same purpose by the Company, and shall, until some
other register of the shareholders shall be provided by the Company,
be taken and considered as the register of shareholders required to be
kept by the Companies Clauses Consolidation Act, 1845.

to be con-
tinued.

8 & 9 Vict.
c. 16.

Capital.

23. The capital of the Company shall be sixty thousand pounds, whereof thirty thousand pounds is in this Act called the "original capital," and thirty thousand pounds is in this Act called the "additional capital," and shall be raised in manner herein-after mentioned, and the original capital shall be divided into three thousand shares of ten pounds each, which shares are in this Act called "old shares," and the Company shall convert into stock the whole or any part of their original capital when fully paid up, and may issue as stock or convert into stock the whole or any part of their additional capital when and so soon as fully paid up.

Vesting of
old shares in
present
shareholders.

24. The old shares shall be appropriated to, vested in, and distributed among the several proprietors of shares in the Limited Company who immediately before the passing of this Act were the registered members of the Limited Company, each proprietor to be entitled to one of such old shares of ten pounds for every two shares of five pounds each held by such proprietor in the capital of the Limited Company: Provided always, that in order to effect such distribution in cases in which upon such distribution a single share or an odd number of shares of the Limited Company shall be held by any member of the Limited Company, the Company may divide into half shares a sufficient number of the old shares, and one of such half shares shall be vested in and appropriated to every member of the Limited Company holding a single share or an odd share in the Limited Company, in substitution for such single or odd share respectively, and every such share or half share so vested shall be subject to the same liability for calls, and subject to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the shares or share for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same: Provided always, that if at any time after the creation of such half shares two of such half shares shall become vested in the same person or persons, body or corporation, such two half shares shall immediately merge and become consolidated into one entire share of ten pounds, and be for ever thereafter dealt with as such.

25. Such half shares shall be numbered in arithmetical progression, beginning with number one; every such half share shall be distinguished by its appropriate number, and shall be entered in the register of shareholders. After the consolidation of any half shares into entire shares, the last-mentioned shares shall be numbered in arithmetical progression next after the then existing entire old shares, and be thenceforth distinguished by their appropriate numbers.

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Half shares
to be num-
bered and
registered.

26. The several half shares under this Act shall be half shares in the capital of the Company, and, subject as herein-after mentioned shall confer, have, and be subject to all such rights, qualifications, privileges, liabilities, and incidents as attach and are incident to entire shares, but no such half share shall confer a right of voting at meetings of the Company.

Half shares
to be half
shares
in capital of
the Com-
pany.

27. The Company shall call in and cancel the existing certificates of shares in the Limited Company, and issue in lieu thereof certificates of shares in the form and under the conditions prescribed by the Companies Clauses Consolidation Act, 1845, or of stock, but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship in the Limited Company issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Company
shall call in
and cancel
existing
share certifi-
cates and
issue new
certificates
in lieu
thereof.
8 & 9 Vict.
c. 16.

28. The Company may from time to time raise (in addition to their original capital) any additional capital, not exceeding in the whole thirty thousand pounds, by the creation and issue of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by one or more of those modes respectively; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share or stock vest in the person or corporation accepting the same, unless and until the full nominal amount of such share or stock, together with any premium obtained thereon, shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue, under the powers of this Act, any greater nominal amount of additional capital than shall be sufficient to produce, including any premiums which may be obtained thereon, the sum of thirty thousand pounds.

Power to
Company to
raise addi-
tional
capital.

29. The Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid five

Limiting
issue of
additional
capital.

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thousand pounds, or within any subsequent year five thousand pounds: Provided, nevertheless, that if in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years, they may in any subsequent year create and issue, in addition to the amount prescribed for such year, such a nominal amount of capital as shall be sufficient, together with the amount then raised, to produce, in manner aforesaid, five thousand pounds in respect of the year following the passing of this Act, and five thousand pounds in respect of every subsequent year then expired.

Profits of
the Com-
pany regu-
lated.

30. Except as in this Act provided, the Company shall not in any one year make out of their profits any larger dividend on the original capital than ten pounds, nor on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds of ordinary capital actually paid up, which rate of ten pounds as respects the original capital, and of seven pounds as respects the additional capital (subject to the reduction and increase thereof herein-after mentioned), is in this Act referred to as "the standard rate of dividend," nor in respect of every one hundred pounds of preference capital actually paid up any larger dividend than six pounds.

As to price
of gas and
alteration of
dividend.

31. The standard price to be charged by the Company for gas supplied by them shall be four shillings and sevenpence per thousand cubic feet: Provided that the Company may increase or diminish such standard price, subject to a decrease or increase in the standard rate of dividend as defined by this Act, to be calculated as follows:

For every penny charged in excess or in diminution of such standard price in any year, the standard rate of dividend shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

Dividends
on different
classes of
stock or
shares to be
paid pro-
portionately.

32. In case in any year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the standard rate of dividend on each class of ordinary stock or shares in the capital of the Company, a proportionate deduction shall be made in the dividend of each class.

New shares
or stock to
be offered
by auction
or tender.

33. Notwithstanding anything in this Act contained, the Company shall, when any shares or stock created as additional capital under the powers of this Act are or is to be issued, and before offering the same to the holder 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 for sale by public auction or by tender, in such manner, at such times, and

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subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock, and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

34. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof, together with any premiums given by any purchaser at such sale, shall be paid to the Company within three months after such sale.

Purchase money to be paid within three months.

35. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the local board of Castleford, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulated within the district of the said local board.

Notice to be given as to sale, &c. of shares or stock.

36. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of ordinary shares or ordinary stock of the Company, in manner provided by the Companies Clauses Act, 1863: Provided always, that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act.

Shares or stock not sold by auction or by tender to be offered to shareholders. 26 & 27 Vict. c. 118.

37. Any sum of money which shall arise upon the issue of any such shares or stock by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Company, but shall be expended in extending or improving the works of the Company, or in paying off money borrowed or owing on mortgage by the Company, and shall not be considered as part of the capital of the Company entitled to dividend.

Application of premium arising on issue of shares or stock.

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If profits exceed amount limited, excess may be invested and form insurance fund.

38. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rate of dividend, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the Company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Company, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Company from accident, strikes, or other circumstances which, in the opinion of a justice, due care and management could not have prevented; and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen: Provided that, when and so often as the said fund shall reach one-twentieth part of the paid-up capital, the interest thereon shall be carried to the credit of the fund available for dividend; provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

Application of excess of profits over standard rate of dividend.

39. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rate of dividend on the ordinary share capital or stock of the Company, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Power to create a reserve fund out of dividends in excess of standard rate of dividend, and application thereof.

40. Where in any year the amount of the standard rate of dividend of the Company on the ordinary share capital or stock of the Company shall, by reason of a diminution of standard price charged by the Company in such year, be increased, then, out of the amount of the divisible profits of the Company applicable to the payment of such increase, the Company may in such year set apart such sum as they shall think fit, and all sums (if any) so set apart by the Company, and any reserve or other fund of the Company existing at the passing of this Act, may be invested in Government or other securities, and the dividends and interest arising from such

securities may also be invested in the same or the like securities, in order that the same may accumulate at compound interest, and the fund so formed shall be called "the Reserve Fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the standard rate of dividend on the ordinary share capital or stock of the Company; and, save as in this Act otherwise provided, no sum shall in any year be carried by the Company to any reserve fund.

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41. The Company may at any time, and from time to time after the passing of this Act, borrow on mortgage, in respect of the original capital of thirty thousand pounds, any sums not exceeding in the whole seven thousand five hundred pounds.

Power to borrow in respect of original capital.

42. In addition to the sum of seven thousand five hundred pounds which the Company are authorised to borrow by the last preceding section, they may from time to time borrow on mortgage, in respect of the additional capital of thirty thousand pounds by this Act authorised to be raised by shares or stock, any sums not exceeding in the whole one-fourth part of the amount of such additional capital at the time actually issued, and of which one half shall have been paid up, and the Company 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 such shares and stock have 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.

Power to borrow in respect of additional capital.

8 & 9 Vict.
c. 16.

43. 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. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the appli-

As to appointment of a receiver.

A.D. 1878. cation for a receiver is made shall not be less than one thousand pounds in the whole.

As to conversion of borrowed money into capital.

44. The Company shall not have power to raise money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon the shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Priority of mortgages over other debts.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.

45. 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 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, 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, and which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Power to create debenture stock.
26 & 27 Vict. c. 118.

46. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein 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.

Application of moneys.

47. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

General meetings.

48. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the future ordinary meetings of the Company shall be held in the month of August in every subsequent year, or in such other month in every subsequent year as the Company by the resolution of an extraordinary general meeting shall from time to time determine.

49. The quorum to constitute a general meeting, whether ordinary or extraordinary, of the Company shall be ten shareholders, holding in the aggregate not less than four thousand pounds nominal value in the capital of the Company. A.D. 1878.
Quorum of meetings.

50. The number of shareholders who may require an extraordinary meeting to be convened shall not be less than ten, holding in the aggregate not less than five thousand pounds in the capital of the Company. Extraordinary meeting of shareholders.

51. At all meetings of the Company every proprietor in the Company shall have one vote in respect of each share, or of each portion of stock of the nominal amount of ten pounds in the paid-up capital of the Company held by him. Voting.

52. The number of directors shall be seven, but the Company may from time to time reduce the number, provided that the number be not less than five. Number of directors.

53. The qualification of a director shall be the possession in his own right of not less than five hundred pounds in the capital of the Company. Qualification of directors.

54. The quorum of a meeting of directors shall be three. Quorum of directors.

55. Richard Heptinstall, Francis Crabtree, John Watson, Joseph Crowther, George Bedforth, James Rickard, and John Simpson shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided in the same Act. 8 & 9 Vict. c. 16.

A.D. 1878.

Auditors not
required to
hold shares.

Powers as to
construction
and mainte-
nance of gas-
works.

56. The auditors need not hold shares in the Company.

57. Subject to the provisions of this Act, the Company may from time to time hold, use, maintain, alter, improve, enlarge, extend, and renew or discontinue the gasworks of the Limited Company upon the lands described in the schedule to this Act on which the same are erected, or any part thereof, and also upon the other lands described in such schedule; and they may also upon such lands erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue additional works for the manufacture and storing of gas, and for the conversion or utilisation and distribution of materials used in and of residual products resulting from such manufacture, together with all necessary retorts, gasometers, receivers, drains, sewers, and other works incidental thereto, and may also maintain, alter, and renew existing mains, pipes, pillars, and other works and conveniences, lay down, maintain, and renew additional mains, pipes, pillars, and other works and conveniences for distributing gas and residual products within the limits of this Act, and may accordingly make, store, and supply gas, and manufacture, sell, provide, supply, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal oil, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks, or with the supply of gas, as they may from time to time think fit.

Pipes, &c.
crossing rail-
ways to be
laid down
under in-
spection of
engineer of
railway com-
panies.

58. Any mains, pipes, culverts, or other works which the Company may lay down or execute under or over or which may affect any railway or works of any railway company shall be so laid down and executed, and subsequently maintained and repaired, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the railway company owning such railway or works, and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him.

For protec-
tion of Aire
and Calder
Navigation.

59. Notwithstanding anything in this Act, or in the Acts wholly or partially incorporated with or applied to this Act, it shall not be lawful for the Company, without the previous consent in writing of the Undertakers of the Navigation of the Rivers of Aire and Calder, to erect any building upon any land now used as a towing-path by the said undertakers, or in any other way to obstruct or interfere with such towing-path, nor without such consent as aforesaid to lay

or maintain any mains or pipes across, over, under, or along any canal, or any part of the River Aire or of the River Calder forming part of the Aire and Calder navigation, or any towing-path thereof, otherwise than by means of any public bridge across such canal, river, or towing-path, and in such manner only as that such mains and pipes shall be laid inside the parapets of such bridge, and that no part of such mains or pipes shall be at a lower level than the highest point of the soffit or underside of such bridge, and that the clear opening under such bridge shall not be diminished, or the permanent structure or masonry of such bridge interfered with, and the Company shall not interfere with such canal or river, or the navigable waterway, banks, or towing-path thereof, or any lands belonging to the said undertakers. And it shall be lawful for the said undertakers at any time or times, after giving to the Company three months notice in writing of their intention so to do, to remove, alter, or renew any such bridge over or along which any of the mains or pipes of the Company may be laid or carried, in the same manner as they might have removed, altered, or renewed the same if this Act had not been passed and such mains and pipes had not been laid or carried over or along the same, without making any compensation to the Company for any expense or loss to which the Company may be subjected in consequence of such removal, alteration, or renewal; and in the event of any such bridge over or along which any of the mains or pipes of the Company are carried being altered or renewed as aforesaid, the Company shall at their own expense alter the position of such mains and pipes, and replace the same, in such manner only as is hereinbefore prescribed with respect to carrying mains and pipes along public bridges, and all works of the Company affecting such canal or river or towing-path, or any bridge over the same, shall be executed, at the expense of the Company, under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said undertakers, according to plans and specifications previously submitted to such engineer; and if the engineers of the Company and of the said undertakers differ concerning the said plans and specifications, or concerning the execution of the said works, every such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either party; and if by reason of the construction or maintenance of any such works the navigation of the said canal or river or towing-path, or the traffic thereon, shall be impeded or injured, the Company shall compensate the said undertakers for any loss or expense occasioned to them thereby: Provided always, that the

A.D. 1878.

A.D. 1878. — Company shall acquire only such an easement in and upon such of the works, lands, and property of the said undertakers as may be necessary for constructing and maintaining the mains and pipes hereby authorised to be laid, and the amount to be paid to the said undertakers for the compensation (if any) for damage or injury to the said undertakers, or their navigation and works, shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

8 & 9 Vict.
c. 18.

Power to purchase lands by agreement. Gas not to be manufactured except on lands scheduled.

60. 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, any lands and hereditaments, not exceeding in the whole three 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, or of storing gas, except the lands described in the schedule to this Act.

Company may sell or lease lands not wanted.

61. The Company may from time to time sell or lease any lands vested in or acquired by them, and which may not be required for the purposes of the Company.

Power to lay pipes against buildings.

62. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Power to contract with public bodies.

63. The Company may from time to time enter into and carry into effect contracts with any sanitary or other local authority within the limits of this Act with respect to the supply of lamps, lamp-posts, gas fittings, or meters of the Company, and the lighting, extinguishing, repairing, and keeping clean the public lamps from time to time required by such sanitary or local authority to be lighted, on such terms and conditions as they think fit, and otherwise as shall from time to time be agreed upon between such sanitary or local authority and the Company.

64. In all cases in which the Company are authorised to cut off and take the supply of gas from any house, building, or premises, then if such house, building, or premises be unoccupied the Company, their agents, servants, or workmen, after giving to the owner twenty-four hours previous notice in writing, duly authenticated, by serving such notice on him, or if the owner be not known to the Company by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into and upon the same between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meters, or fittings, or other works the property of the Company.

A.D. 1878.

Power to
remove
meters, &c.
from un-
occupied
buildings.

65. Subject to the provisions of this Act, the Company may (but only for the purposes of the Company within the limits of this Act, and not so as to acquire any exclusive right therein) contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention under any letters patent heretofore made, or hereafter to be made, granting any right or privilege of working, using, or vending any invention in relation to the manufacture or distribution of gas, or the conversion, manufacture, or utilisation of the products obtained from the manufacture of gas, or the materials used therein.

Power to
hold licenses
under letters
patent.

66. 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 not less than six tenths of an inch, and from sunset to midnight 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, and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Pressure of
gas.34 & 35 Vict.
c. 41.

67. The prescribed number of candles shall be fourteen.

Quality of
gas.

68. Within three months from the passing of this Act a testing place shall be provided at the works of the Company.

Testing
place.

A.D. 1878.
Burner.

69. 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.

Security for
payment of
gas rents.

34 & 35 Vict.
c. 41.

70. Any person having or requesting to have a supply of gas from the Company shall, if and when so required by the Company, and before he is entitled to have any service pipes or meter provided and fixed, or to have a supply or further supply of gas, give the Company such security for the payment of one year's rent or charge for the gas or meter to be supplied to him as he and the Company may agree upon, or as in default of agreement shall be determined in the manner provided by the Gasworks Clauses Act, 1871, for determining the amount of security to be given for the use of meters supplied by the Company, and the Company shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give them such security for seven days after the same shall have been demanded by the Company.

Company to
pay interest
on money
deposited as
security.

71. If any person is required by the Company to give to them security, as herein-before mentioned, the Company shall, in the event of such security being a sum of money deposited with the Company, pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security during such time as the said money shall be so deposited, and such interest shall be payable half yearly, subject however to the right of the Company to set off against the same any money due to the Company from such person.

Notice to
Company to
discontinue
supply.

72. A notice to the Company from a consumer for a discontinuance of a supply of gas shall not be of any effect unless it be in writing, and be left at the principal office for the time being of the Company.

Liability for
gas rent not
to disqualify
justice.

73. A justice or judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, meter rent, rate, or charge under this Act.

Application
of penalties.

74. Every penalty imposed by this Act shall (except where otherwise expressly provided, and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

[41 & 42 VICT.]

Castleford and Whitwood
Gas Act, 1878.

[Ch. clxxxvii.]

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

A.D. 1878.
Expenses of
Act.

A.D. 1878.

SCHEDULE to the foregoing Act.

First. All that piece of land situate in the township and parish of Castleford, in the west riding of the county of York, containing one acre and twelve perches or thereabouts, belonging or reputed to belong to the Castleford and Whitwood Gaslight and Coke Company (Limited), bounded on the north by land belonging or reputed to belong to Edgar Breffit, on the west partly by the River Aire and partly by land belonging or reputed to belong to the devisees of Joseph Horne, on the south by Wheldale Lane, and on the east by Ings Lane, otherwise called Ryebread Road.

Secondly. All that piece of land situate in the township and parish of Castleford aforesaid, containing one acre or thereabouts, belonging or reputed to belong to the said Castleford and Whitwood Gaslight and Coke Company (Limited), bounded on the north by land belonging or reputed to belong to the said Edgar Breffit, on the west by the said Ings Lane, on the south by a strip of land belonging or reputed to belong to the said Castleford and Whitwood Gaslight and Coke Company (Limited), and recently acquired by them from Thomas James Kassell, John Shackleton Mathers, and John Mortimer Fawcett, for the purposes of a road intended to be formed thereon and on certain other land belonging or reputed to belong to the said Thomas James Kassell, John Shackleton Mathers, and John Mortimer Fawcett, and on the east by lands belonging or reputed to belong to the said Thomas James Kassell, John Shackleton Mathers, and John Mortimer Fawcett.