
Maitland Gaslight Act Amendment.

An Act to authorise the Maitland Gaslight Company (Limited) to extend its works to, and to light and supply gas to, and carry on business in, places beyond the limits and boundaries of the towns of East and West Maitland; and to confer further powers on the said company; and to amend the deed of settlement of the company; and the Maitland Gas Act of 1874; and for other purposes incidental thereto.

[30th June, 1897.]

MAITLAND
GASLIGHT ACT
AMENDMENT.
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WHEREAS by the Maitland Gas Act of 1874, hereinafter Preamble. designated the Principal Act, intituled "*An Act to incorporate the Maitland Gaslight Company (Limited)*," it was enacted that the several persons therein particularly mentioned or referred to should be and they were thereby incorporated by the name of the Maitland Gaslight Company (Limited) for the purpose of lighting and supplying the towns of East and West Maitland with gas, and for the purposes and with the powers and subject to the provisions and conditions in the said Act contained: And whereas the said company is desirous of carrying on its business beyond the limits and boundaries of the said towns of East Maitland and West Maitland, and to effectually carry on its undertaking and the business of the company is desirous of having the powers hereinafter appearing: And whereas the deed of settlement of the company has become partly destroyed and illegible by reason of flood: And whereas the draft of the said deed being in existence, certain printed copies thereof have been made: And whereas the said copies have so far as possible been examined and compared with the said draft: And whereas it is expedient that one of the said copies should be deposited with the Registrar of Joint Stock Companies: And whereas it is expedient to make provision for proving the said deed in any Court of law or equity, or on the hearing of any arbitration or proceeding, wherein it shall or may be necessary or expedient to prove the said deed or the contents thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for the said company to reduce its capital Reduction of capital. by special resolution, provided that no such resolution for reducing the

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the capital of the said company shall come into operation until the said resolution shall have been confirmed by an order of the Supreme Court in its equitable jurisdiction obtained upon the petition of the said company. Upon the hearing of the said petition the said Court shall make such orders as to the advertisement of the said petition, and as to the safeguarding of the rights of the creditors of the said company as shall seem to be just and expedient.

Interpretation and explanation.

2. The word "capital" in section one shall include paid-up capital, and the power to reduce capital conferred by this Act shall also include a power to cancel any lost capital or any capital unrepresented by available assets, or to pay off any capital which may be in excess of the wants of the said company, or to cancel any shares which at the date of the passing of the special resolution have not been taken, or agreed to be taken by any person, provided that it shall not be necessary to obtain the confirmation of the said Supreme Court to the cancellation lastly mentioned, and paid-up capital may be reduced either with or without extinguishing or reducing the liability (if any) remaining on the shares of the said company, and to the extent to which such liability is not extinguished or reduced it shall be deemed to be preserved, notwithstanding anything herein contained.

3. The said company shall have the following powers and authorities in addition to the powers and authorities conferred on it by the said Principal Act, and reserved and contained in the deed of settlement of the company referred to in the said Principal Act, that is to say:—

Powers and authorities of company.

Power to carry on business of company outside boundaries of East Maitland and West Maitland.

Power to buy, &c., machinery, lamps, &c.

Power to apply for, &c., patents, &c.

To carry on the business of the company authorised by the deed of settlement or by the Maitland Gas Act of 1874, outside the boundaries and limits of the towns of West Maitland and East Maitland with powers and provisions similar to those in the said Act, or with such further powers, provisions, and restrictions as may be authorised or imposed by Parliament, and to carry on the further businesses, and do and perform the acts, matters, and things hereinafter mentioned, that is to say:—To manufacture, buy, sell, let on hire, lend, and deal in stoves, engines, and other apparatus and conveniences which may seem calculated, directly or indirectly, to promote the consumption of gas.

To buy, sell, manufacture, repair, and deal both wholesale and retail in machinery, lamps, plant, stoves, fillings, and commodities of all kinds which can conveniently be dealt in by the company in connection with any of its objects, and to transact any kind of agency business in connection therewith.

To apply for, purchase, or otherwise acquire any patents, brevets d'invention licenses, concessions, and the like, conferring any exclusive or non-exclusive or limited right to use, or any secret

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secret or other information as to any invention which may seem capable of being used for any of the purposes of the company, or the acquisition of which may seem calculated, directly or indirectly, to benefit the company; and to use, exercise, develop, or grant licenses in respect of, or otherwise turn to account the property, rights, or information so acquired.

To sell the undertaking of the company or any part thereof for such consideration as the company may think fit, and in particular for shares, debentures, or securities in or of any other company having objects altogether or in part similar to those of this company.

To promote any company or companies for the purpose of acquiring all or any of the properties and liabilities of this company, or for any other purpose which may seem directly or indirectly calculated to benefit this company.

Generally to purchase, take on lease, or in exchange, hire, or otherwise acquire or erect or construct any real and personal property, and any rights or privileges which the company may think necessary or convenient for the purposes of its business, and in particular any land, buildings, easements, machinery, plant, and stock in trade.

To distribute any of the property of the company among the members in specie.

To invest and deal with the moneys of the company not immediately required upon such securities and in such manner as may from time to time be determined.

To amalgamate with any other company having objects altogether or in part similar to those of this company.

To do all such other things as are incidental or conducive to the attainment of the above objects.

To divide the shares in the capital for the time being into several classes, and to attach thereto and to new shares respectively such preferential, deferred, or special rights, privileges, or conditions as may be determined by or in accordance with the regulations of the company.

4. The said company shall relay, reinstate, and make good to the satisfaction of the commissioners, trustees, surveyor, or other persons or person having the control, direction, or superintendence of the same, the stones, ground, soil, or pavement of any and every street, road, highway, passage, or public place which shall have been broken up by them under the authority of this Act, and shall, until the same shall be so relaid, provide proper lights at night, and take all other necessary and proper precautions to guard the trenches, drains, and pits made by them in any roads, streets, highways, or public places, and

Material of street broken, &c., to be replaced.

Barriers and lights to be kept up.

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and to prevent accident or damage to passengers, cattle, or carriages. And in case the said company shall make default in relaying, reinstating, or making good such stones, ground, soil, or pavement as aforesaid, or in placing or setting up such lights at night, or in taking such necessary and proper precaution as aforesaid, the commissioners, trustees, surveyor, or other persons or person having such control, direction, or superintendence as aforesaid may relay, reinstate, and make good the same and provide such necessary and proper lights, and the expenses thereof shall be repaid on demand by the said company to such commissioners, trustees, surveyor, or other person or persons as aforesaid.

Extension of certain sections of Principal Act.

5. The enactments and provisions contained in sections six, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-eight of the hereinbefore-recited Act, except in so far as the same are hereby altered or varied, shall, mutatis mutandis, in all respects extend and apply to places beyond the boundaries and limits of the towns of East Maitland and West Maitland, and shall be read and construed for the purposes of this Act as if the said sections were herein repeated.

Minutes of resolutions and proceedings to be kept;

such minutes if signed by, &c., to be evidence in all legal proceedings.

6. This company shall cause minutes of all resolutions and proceedings of general meetings of the company, and of the directors or managers of the company, to be duly entered in the books to be from time to time provided for the purpose, and any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, or by the chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings, and, until the contrary is proved, every general meeting of the company, or meeting of directors or managers, in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat, or proceedings had, to have been duly passed and had, and all appointments of directors or managers shall be deemed to be valid, and all acts done by such directors or managers shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Printed copy of draft deed of settlement to be lodged with Registrar-General.

7. Upon the passing of this Act this company shall deposit with the Registrar-General, and the said Registrar-General shall receive, a printed copy of the draft of the said deed of settlement so compared and examined as aforesaid, and the said copy shall be open to the public inspection at any time during office hours upon payment of the sum of one shilling.

Evidence of deed of settlement.

8. In any action, suit, or proceeding in any court of justice whatsoever, or before any person having by law or by consent of parties authority to hear, receive, or examine evidence, the said copy of the said deed of settlement of the company so deposited

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Borough of Cudgegong Cattle Sale-yards.

as aforesaid, or any other copy duly certified by the said Registrar-General to be a true copy thereof, shall be conclusive evidence of the said deed and of the contents thereof: Provided that nothing herein shall render it unnecessary to produce the said deed of settlement of the company for the purpose of proving any signature thereto, or that the said deed has or has not been executed by any person: Provided, further, that it shall not be necessary that any person shall Transfer of shares. hereafter execute the deed of settlement of this company or a duplicate thereof, for the purpose of effecting a transfer of shares or of becoming a member of the said company, but that a transfer of shares may be made, in such manner and form, as the Board of Directors shall, from time to time, settle and determine, and that the regulations of the said company, when duly passed, shall bind the said company and the Regulations. members thereof to the same extent as if each member had subscribed his name and affixed his seal to the said deed of settlement or to the said regulations, and there were in such regulations contained a covenant on the part of himself, his heirs, executors, and administrators to conform to all the said regulations subject to the provisions of the Principal Act, and of this Act, or any Act amending the same, and all moneys payable by any member of the said company in pursuance of the conditions and regulations of the said company, or any of such conditions or regulations, shall be deemed to be a specialty debt due from such member to the said company.

9. This Act may be cited as the "Maitland Gaslight Act short title. Amendment Act, 1897."
