# CHAP. x.

An Act for incorporating "The Airedale Gas Company," and for enabling them to supply Gas to parts of the townships of Idle and Eccleshill, in the West Riding of Yorkshire. A.D. 1870.

[12th May 1870.]

WHEREAS "The Airedale Gaslight Company" was in the year one thousand eight hundred and fifty-three constituted under a deed of settlement dated the twentieth day of June One thousand eight hundred and fifty-three, for the purpose of making and vending gas and coke in the village, township, and neighbourhood of Idle, in the parish of Calverley, in the county of York:

And whereas the said Company have since been incorporated, with limited liability, under "The Joint Stock Companies Act, 1856:"

And whereas the works of the Company have been for many years in operation:

And whereas the present share capital of the Company consists of twenty-one thousand pounds, divided into four thousand two hundred shares of five pounds each, and of the said capital thirteen thousand eight hundred and sixty pounds have been paid up, and the Company have no mortgage or bond debt:

And whereas it is expedient that the Company be dissolved and reconstituted, and that their deed of settlement be annulled, and that the powers herein-after contained be conferred upon them:

And whereas these objects cannot be accomplished 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,)

1. This Act may be cited for all purposes as "The Airedale Gas Act, 1870." Short title.

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Incorporation of general Acts herein named.

**2.** "The Companies Clauses Consolidation Act, 1845," Part I., Part II., and Part III. of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Gasworks Clauses Act, 1847," are, except where expressly varied by this Act, incorporated with and form part of this Act: Provided always, that the Company shall not be authorised to purchase or take any lands except by agreement.

Interpretation 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; the expression "the Company" means the Company incorporated by this Act; the expression the "Limited Company" means the Company as constituted under the said deed of settlement and the before-mentioned Joint Stock Companies Act prior to the passing of this Act; the expression "the works" or "the gasworks" or "the undertaking" mean respectively and include the gasworks and works connected therewith by this Act vested in the Company, or any gasworks they may provide under the powers of this Act; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or the Acts incorporated herewith, 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.

Limited company dissolved. Incorparation of new company under this Act.

**4.** The Limited Company is by this Act dissolved, and the present members of or shareholders in that Company, and all other persons who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purpose of making and supplying gas within the limits of this Act, and for doing all acts necessary for that purpose, and for other the purposes by this Act and the said incorporated Acts authorised, and for the several purposes aforesaid shall be incorporated by the name of "The Airedale Gas Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, hold, and dispose of lands and other property for the purposes of this Act.

Existing deed of settlement to be void without prejudice to remedies for antecedent breaches.

**5.** Subject to the provisions of this Act, the existing deed of settlement shall, as to any future or prospective operation thereof, but subject and without prejudice to any remedies for antecedent breaches thereof, which remedies may be enforced by the Company, be from and after the passing of this Act wholly void and of none

effect; and the several persons who shall have executed the same deed, and their heirs, executors, and administrators, shall immediately from and after the passing of this Act stand and be by virtue hereof released and discharged from any future obligation to observe, perform, abide by, fulfil, or conform to the said deed of settlement, or the covenants or agreements therein contained, or any of them respectively.

Company may make and supply gas within limits of Act.

**6.** Subject to the provisions of this Act and the Acts incorporated therewith, the Company may make and supply gas within the limits of this Act, and may convert, manufacture, sell, and dispose of coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other products, refuse, or residuum arising, remaining, produced by, or obtained from the manufacture of gas by them, or the materials used therein, and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid, and may, but only for the purposes of the Company within the limits of this Act, contract or take and use any leave, license, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made, granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture and distribution of gas, or the utilization of the residual products arising from the manufacture of gas, or otherwise in relation thereto, but not so as to acquire an exclusive right to the working, use, exercise, or putting in practice of any such invention or inventions, and may also manufacture and sell, let, or deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks or with the supply of gas to the consumers thereof, in such manner as the Company may think proper, and generally carry on the business usually carried on by gas companies, or which is or may become incident thereto; provided that nothing in this Act contained shall prevent the Company from being liable to an indictment for nuisance, or to any other legal proceeding to which they may be liable in consequence of any such operations.

Property of limited company vested in company incorporated by this Act.

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

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which immediately before the passing of this Act were the property of or belonging to the same Company, and all moneys, securities, credits, effects, and other property whatsoever belonging to the Limited Company or to any trustees on their behalf for the purposes of such Company, 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 trustees on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for, and recovered by the Company.

Saving of previous rights and liabilities of Company.

**8.** Notwithstanding the incorporation of the Company and the avoidance of the said deed of settlement, and 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 shareholders therein in that capacity, shall be as valid as if the Company had not been incorporated and the said deed 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 deed 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 and suffered; and with respect to all such rights, liabilities, claims, and demands, the Company shall to all intents and purposes represent the Limited Company and the shareholders therein in their capacity of shareholders: Provided always, that the generality of this enactment shall not be restricted by any of the other provisions of this Act.

Contracts prior to the passing of this Act to be binding.

**9.** Except as by this Act otherwise specially provided, all purchases, 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 such Company, by or with any other person to whose rights and liabilities they have succeeded as assigns, 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.

**10.** 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 any 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, in favour of, or against the Limited Company, or any member thereof, if this Act had not been passed, the Company being in reference to the matters aforesaid in all respects substituted for the Limited Company.

Judgments in respect of existing liabilities may be enforced against individual shareholders.

**11.** If any judgment, decree, or order be at any time after the passing of this Act obtained against the Company in respect of any debt or liability owing or incurred, or in respect of any contract made or tort committed by the Limited Company before the passing of this Act, and be not fully satisfied out of the property of the Company, then and in every such case the judgment, decree, or order may be enforced, and execution thereon issued against the property, effects, and persons of any person who was a member of the Limited Company immediately before the passing of this Act, or at the time when the contract was made or the tort was committed in respect of which the debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability to the same extent as if this Act had not been passed.

Reimbursement of shareholders in such case.

**12.** Every person against whom or against whose property or effects any such judgment, decree, or order is enforced shall be entitled to recover against the Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have been issued, and the contribution may be recovered in like manner as contribution in ordinary cases of copartnership.

Trustees of Limited Company indemnified.

**13.** 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 the Act, and who, being duly 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 and saved harmless out of the property of the Company from and against all liability, loss, costs, charges, and expenses under or by reason of every such bond, covenant, contract, or engagement.

Recovery of gas rates, &c.

**14.** All gas rates, rents, and sums of money which immediately before the passing of this Act were due and payable or accruing to

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due before passing of Act.

the Limited Company, shall be payable to and may be collected and recovered by the Company in like manner as the gas rates, rents, and sums of money under this Act.

As to payment of debts owing before the passing of Act.

**15.** 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, payable, or accruing upon the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or owing 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 payable or accruing upon the same, by or be recoverable from the Company.

Payment of calls by shareholders.

**16.** Notwithstanding the passing of this Act, the several persons who immediately before the passing of this Act were shareholders in the Limited Company, their heirs, executors, administrators, and assigns respectively, shall pay the amount subscribed by them respectively, or so much thereof as at the time of the passing of this Act had not been paid, with all interest (if any) due or to accrue due thereon, unto the Company, when and as the same shall be called up or otherwise demanded by the Company.

Certificates, &c. to remain in force.

**17.** All certificates of shares in the undertaking of the Limited Company (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed with respect to any shares in the Limited Company, shall remain in full force, and continue and be available in all respects as if this Act had not passed.

Documents, books, &c. to be evidence.

**18.** All documents, books, and writings which if the dissolution and avoidance had not happened would be receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Officers to continue until removed.

**19.** 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 have the like powers and authorities for the purposes of this Act, and for carrying the same into execution, 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.

Capital.

**20.** The capital of the company shall be thirty thousand pounds, whereof twenty-one thousand pounds is in this Act called the

original capital, and nine thousand pounds is in this Act called the additional capital, which shall be raised in manner herein-after mentioned.

Appropriation of capital.

**21.** The original capital shall be a consolidated stock, and so much thereof as shall be necessary shall be appropriated and belong to the several persons and corporations who immediately before the passing of this Act are the registered shareholders in the Limited Company in the proportion of five pounds of stock for every then existing share of five pounds in the capital of the Limited Company, and in substitution for the said existing shares; and any part of the original capital which may remain after such appropriation, and may not be required for the purposes thereof, may be sold by the Company, and the proceeds shall be applied for the purposes to which the capital of the Company is applicable.

Stock to be subject to the same trusts, &c. as old shares.

**22.** The stock so appropriated shall be subject and liable to the same trusts, powers, provisoes, declarations, agreements, charges, liens, and encumbrances as immediately before the passing of this Act affected the then existing share in the Limited Company for which the stock is substituted, and so as to give effect to and not to revoke any testamentary disposition of or affecting such existing share.

Company may call in and cancel existing share certificates and issue new certificates in lieu thereof.

**23.** The directors may call in and cancel the existing certificates of shares in the Limited Company, and issue in lieu thereof certificates of proprietorship under this Act, in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845;" 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 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.

Power to raise additional capital.

**24.** The Company may from time to time raise the additional capital, or any part thereof, by the creation of new ordinary and preference shares or stock, or (at the option of the Company) by either of those modes, but no such share shall be of less amount than ten pounds.

New shares not to be issued unless and until one fifth part thereof paid up.

**25.** The Company shall not issue any such new 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 is paid up in respect thereof.

Calls.

**26.** 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

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between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Limit of dividend on new capital.

**27.** The Company shall not in any year make out of their profits any larger dividend on the additional share capital 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 as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as may be issued as preference capital.

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

**28.** If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of his or her respective guardian or committee shall be a sufficient discharge to the Company for the same.

Power to borrow.

**29.** The Company may from time to time after the passing of this Act borrow on mortgage any sum not exceeding in the whole five thousand pounds, and may also from time to time borrow on mortgage any further sum not exceeding in the whole two thousand pounds; but no part of that further sum shall be borrowed until the whole of the additional share capital of nine thousand pounds by this Act authorised is subscribed for, issued, and accepted, and one half of that share capital is 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 the whole of such share capital has been subscribed for, 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 subscribers or their assigns, and that such subscribers or their 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.

Appointment of receiver.

**30.** 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, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Application of moneys.

**31.** All moneys raised under this Act by the Company, whether by shares or by borrowing, shall be applied only to the purposes by this Act authorised.

First ordinary meeting.

**32.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Quorum of general meetings.

**33.** The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be seven shareholders present, in person or by proxy, holding in the aggregate not less than one hundred pounds in the capital of the Company.

Extraordinary meetings.

**34.** The number of shareholders who may convene extraordinary meetings of the Company shall not be less than seven, holding together not less than five hundred pounds in the capital of the Company.

Number and qualification of directors.

**35.** The number of directors shall be twelve, and the qualification of every director shall be the possession in his own right of not less than one hundred pounds in the capital of the Company.

Power to reduce the number of directors.

**36.** The Company may reduce the number of the directors, so that the reduced number be not less than five.

First directors.

**37.** The persons who at the time of the passing of this Act are directors of the Limited Company shall be the first directors of the Company.

Continuance in office of first directors.

As to future election of directors.

**38.** The first directors of the Company shall continue in office until the first general 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 general meeting to be held in every year after the first general 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 in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Quorum of directors.

**39.** The quorum of a meeting of directors shall be four, or if the number of directors is reduced to five the quorum of a meeting of directors shall be two.

Auditors need not hold shares.

**40.** The auditors need not hold shares in the Company.

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Representatives of the Company in cases of bankruptcy, &c.

**41.** In all proceedings against the estate of any bankrupt, or under any sequestration, any person appointed for that purpose by the directors of the Company may represent the Company and act in their behalf in all respects as if the claim or demand of the Company against such estate were the claim or demand of such person and not of the Company.

Limits of Act.

**42.** The limits of this Act shall be and include the following district in the West Riding of Yorkshire:

1. The township of Idle, in the parish of Calverley, except such part of the said township as is comprised within the present limits of the Windhill Local Board of Health, and except such part of the said township as would be on the western side of an imaginary line drawn from the junction of a lane called Busy Lane with the Shipley and Bramley turnpike road, along the centre of the said lane to the old highway leading from Thackley to Windhill, and thence north to the river Aire; and also except such part of the said township as lies on the south and south-west sides of an imaginary line drawn along the centre of a lane called Idle Lane from the junction of the said lane with Coalpit Lane to the junction of the said Idle Lane with an occupation road leading therefrom to Bolton Hall; but nothing in this Act contained shall be deemed to authorise the Company to supply with gas the mill called Buck Mill:
2. So much and such part of the township of Eccleshill, in the parish of Bradford, as would lie northward of an imaginary line drawn from a point where the public footpath from Idle Green in Idle to Bank Top in Eccleshill crosses the brook called Haigh Beck, to and including a dwelling house occupied by one John Hammond situate on the south-eastern side of a certain road called the Bank, in Eccleshill, and of another line drawn from the said dwelling house along the centre of the said Bank to where it joins the Dudley Hill and Killinghall turnpike road, then along the centre of the said turnpike road for a distance of 455 yards from the Foresters' Inn to near the lodge of Colonel Stanhope, and thence direct east, including the house, stables, and garden of the said Colonel Stanhope, up to the boundary between the townships of Eccleshill and Calverley with Farsley; and which said portion of the said township of Idle included within the limits of this Act is coloured pink, and the portion of the said township of Eccleshill included within the said limits is coloured blue upon the maps which were respectively deposited in March last with the clerk of the peace for the West Riding of Yorkshire and at the office of the Company in Idle:

Provided always, that notwithstanding the limits of this Act are drawn along the centre of a part of the said Bank in Eccleshill, and include only the north-western half of that Bank, the Company shall have power to supply with gas the public lamps for the time being standing between the said dwelling house occupied by the said John Hammond and the point where the said Bank joins the above-mentioned turnpike road, but only the said public lamps and the before-mentioned dwelling house occupied by John Hammond on the south-eastern side of the said Bank, and the Company shall have power to lay down, renew, and maintain pipes along and under any part of the said Bank between the points above mentioned.

Copy of district map to be evidence.

**43.** True copies of the said map or any extract therefrom, certified by the said clerk of the peace, and true copies of the said map, certified by the secretary to the Company, shall be respectively received in all courts of justice or elsewhere as evidence of the contents of such maps, and the maps shall at all reasonable times be open to the inspection of the consumers; and all persons interested shall be entitled to a copy or extract from such maps, certified by the said clerk of the peace or the said secretary, upon payment of a reasonable fee for every such copy or extract.

Company may take additional lands by agreement.

**44.** The Company may from time to time for the purposes of this Act purchase by agreement any lands in addition to the lands by this Act vested in them, and may hold the same, not exceeding in the whole at one time five acres.

Power to take easements, &c. by agreement.

**45.** Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Company any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

Sale of superfluous lands.

**46.** The Company may at any time hereafter sell and dispose of any lands which are by this Act vested in them, or which they may hereafter acquire, and which shall not be required for the purposes of the Company, and the provisions of "The Lands Clauses Consolidation Act, 1845," sections one hundred and twenty-eight to one hundred and thirty-two (both sections inclusive) shall apply to any such sale, and the Company may also from time to time sell and dispose of any works, buildings, or erections, on any lands belonging to them which shall not be required for the purposes of the Company.

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Company may maintain and erect gasworks.

**47.** On the lands described in the Schedule (A.) to this Act the Company may maintain and from time to time alter and enlarge retorts, gasholders, receivers, meters, apparatus, and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom, and all proper approaches and conveniences for the purposes of such works.

Prohibition against erecting gasworks, &c. except on lands described, &c.

**48.** Provided always, that the Company shall not manufacture gas, or any such residual products aforesaid, except upon the lands described in the Schedule (A.) to this Act, and the Company shall not store gas except upon those lands and the lands described in Schedule (B.) without the previous consent in writing of the owner, lessee, and occupier of every dwelling house situate within three hundred yards of the limits of the site where such gas is intended to be stored.

Company may supply gas;

**49.** Subject to the provisions of this Act, the Company may supply and sell gas for public and private consumption within the limits of this Act, and light or contract for the lighting of streets and public buildings within those limits, and sell and dispose of, at the works and elsewhere, coal, coke, tar, and ammoniacal liquor, and other residual products obtained in the manufacture of gas, and matters producible therefrom; but the Company shall not be exempt from liability to indictment, or to any other legal proceedings to which they may be liable, in consequence of anything done by them under this Act.

and may manufacture and supply gas fittings, &c.

**50.** The Company may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pipes, pillars, lamp posts, lamps, burners, and other articles and things connected with gasworks, or with the supply of gas, for public or private consumption, in such manner as they think proper, and generally may carry on such operations and business as are for the time being usually carried on by gas companies.

Company may lay pipes into and against buildings.

**51.** The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or 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, or discontinue and remove, any such pipe, branch, or apparatus.

Limiting price of gas.

**52.** The price to be charged by the Company for gas supplied to persons who shall burn the same by meter shall not exceed four shillings and sixpence per one thousand cubic feet.

Price for lighting public lamps.

**53.** The price to be charged by the Company and to be paid to them by any local board for the gas supplied to the public lamps within the limits of this Act, shall always be calculated and fixed at a price not exceeding the lowest price for the time being charged by the Company to any private consumer within the limits of this Act.

Consumers may be required to consume by meter.

**54.** Every consumer of gas supplied by the Company shall, on being required by the Company so to do, consume such gas by meter; and every consumer may require the Company to allow him to consume the gas by meter.

Notice to be given to Company of alteration in meters.

**55.** Before any person shall connect or disconnect any meter through which any of the Company's gas is intended to be or has been registered, he shall give not less than twenty-four hours' notice in writing to the Company of his intention so to do.

Repair, &c. of meters to be at expense of consumers.

**56.** Every consumer of gas supplied by the Company shall at all times, at his own expense, keep all meters belonging to him, whereby any gas of the Company is registered, in proper order for correctly registering such gas, in default whereof the Company may cease to supply gas through such meters, and the Company shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

Company may let meters for hire.

**57.** The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Company of such meter, as may be agreed upon between the hirer and the Company, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Company for gas, and such meters and fittings shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the persons in whose possession the same may be.

Register of meter to be primâ facie

**58.** The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Company,

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and in respect of which any rent is charged and sought to be recovered by the Company.

evidence of gas consumed.

Company may remove meters and fittings in cases where supply of gas is discontinued.

**59.** The Company may, after forty-eight hours' notice in writing, under the hand of the secretary or some other officer of the Company, to the occupier, or, if unoccupied, then to the owner and lessee of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the Company are laid or fixed, and through or in which the supply of gas shall from any cause other than the neglect or default of the Company be discontinued, enter such land, house, or building between the hours of nine in the morning and four in the afternoon, for the purpose of removing and remove such pipes, meters, or fittings, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or if such person or his address be not known to the Company, after due inquiry, then by being affixed on some conspicuous part of such land, house, or building.

Penalty on injuring meters, &c.

**60.** Every person who shall wilfully, fraudulently, or by culpable negligence injure, or suffer to be injured, any meter or fittings belonging to the Company, or shall fraudulently alter the index to any meter, or shall prevent the index of any meter from duly registering the quantity of gas supplied, shall, without prejudice to any other right or remedy for the protection of the Company, or the punishment of the offender for every such offence, forfeit and pay to the Company a sum not exceeding five pounds, and the Company may in addition thereto recover the amount of any damages by them sustained; and the Company may also discontinue the supply of gas to the person so offending until the injury is remedied and the amount of the damages is paid, and notwithstanding any contract previously existing; and the existence of artificial means for causing such alteration or prevention when such meter shall be under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Remedy of Company in cases of fraud and waste of gas.

**61.** If and whenever any person supplied with gas by the Company wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of the Company's gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains, or is not remedied, and also may

recover in any court of competent jurisdiction from every person so offending the amount of all loss, damage, or injury which the Company may sustain by reason of any such thing or failure, and the remedies of the Company under this enactment shall be in addition to their other remedies in that behalf.

Recovery of charges for gas.

**62.** In case any person who shall have been supplied with gas by the Company, or who shall be liable to payment in respect of a supply of gas under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect of such supply for the space of fourteen days after demand thereof by the Company, their agent, or collector, any justice may issue his summons to such person requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid; and if on the appearance of such person, or in default of appearance, after proof of the service of the summons either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, any justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the gas, if the same shall have been cut off by the Company, as to such justice shall seem just and reasonable.

Contents of summonses and warrants under this Act.

**63.** Any one summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Warrant of distress shall include costs.

**64.** Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Recovery of sums due to Company.

**65.** Whenever any person neglects to pay any rent or sum due and payable by him to the Company, the Company may recover the same in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedies of the Company under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Incoming tenants not liable to pay arrears of gas rents, &c.

**66.** In case any consumer of the gas of the Company shall leave the premises where such gas has been supplied to him without paying to the Company the gas rent or meter rent due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former

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tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arréars.

Quality of gas to be supplied by Company.

**67.** All the gas supplied by the Company shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Company to maintain an experimental meter to test illuminating power of gas.

**68.** The Company shall always maintain at their works an experimental meter, furnished with an argand fifteen-holes burner and a seven-inch chimney, capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of all the gas of the Company, and so situate as to test the whole of the gas from time to time supplied by the Company, and the Company shall at all times keep and maintain the experimental meter and apparatus in good repair and working order.

Local board may test gas supplied by Company.

**69.** Any local board within the limits of this Act, or any person authorised by any such local board in writing, shall at all reasonable times in the daytime have access to the testing place, and may test there the illuminating power of the gas supplied by the Company in the presence of an officer of the Company, if attending for that purpose, and if not, then in the absence of any such officer, and the Company and their officers shall afford all reasonable facilities and assistance for such testing.

Quality of gas may be tested by person appointed by two justices.

**70.** Two justices, on the application of any local board within the limits of this Act, may by order in writing appoint some competent person to proceed to the works of the Company, and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the Company, and in the presence of the superintendent or other officer of the Company, if attending for that purpose, or if not, then in the absence of any such officer, make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus before mentioned, and the Company and their officers shall afford all reasonable facilities and assistance for the making of such experiment.

Penalty on Company if gas not of proper illuminating power, &c.

**71.** If it shall be proved to the satisfaction of any two justices, not being shareholders of the Company, 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 that the Company or their officers, on being thereunto reasonably requested, wilfully refused to afford such reasonable facilities as aforesaid, or wilfully hindered or prevented the making of such experiment, in any such case the Company shall forfeit such sum, not exceeding twenty pounds, as the justices shall determine under the circumstances of the case.

Costs of experiment, &c. how to be paid.

**72.** The costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the cost of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the Company shall be paid, together with such penalty, by the Company, but in the event of no penalty being imposed the costs shall be in the discretion of the justices.

Penalties not cumulative.

**73.** Penalties imposed upon the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Liability to gas rent not to disqualify justices from acting.

**74.** No justice or judge of any county court or quarter session shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act.

Expenses of Act.

**75.** All the costs, charges, and expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company.

# SCHEDULES referred to in the foregoing Act.

## SCHEDULE (A.)

Lands on which the gasworks of the Limited Company have been erected, and belonging or claimed to belong to that Company, situate in the township of Idle, and bounded on or towards the north by a highway called Thorp Lane, leading from Idle to Greengates, on or towards the east by an occupation road, and on or towards the south and west by land belonging or claimed to belong to Miss Eliza Dawson.

## SCHEDULE (B.)

Land belonging or claimed to belong to the Limited Company at Thackley, in the said township of Idle, and bounded on or towards the east, north-east, south, and south-west by land belonging or claimed to belong to Messieurs Amos Raistrick and George Raistrick, and on or towards the west and north-west by a reservoir belonging or claimed to belong to them.

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