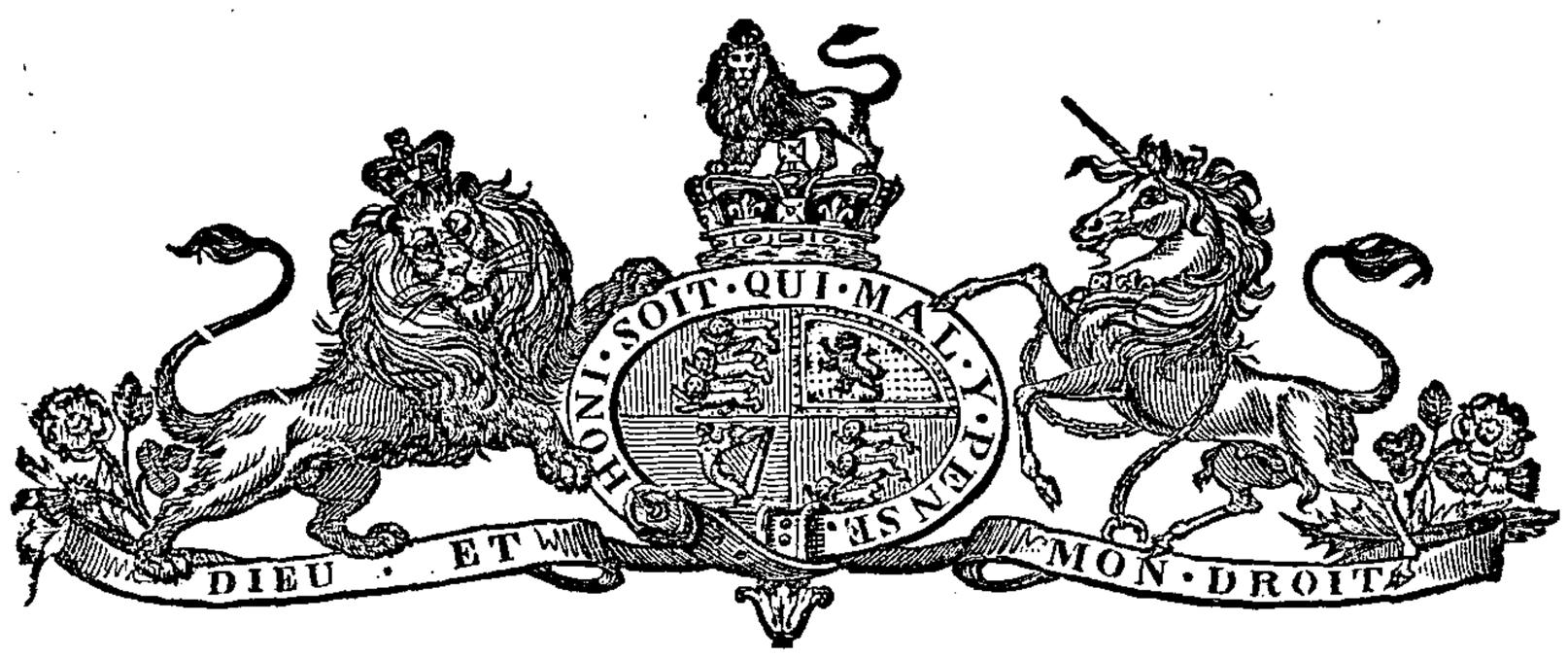


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ingly raised the Sum of Forty thousand Pounds by Calls after the Rate of Eighty Pounds *per Centum* in respect of the said Two thousand five hundred Shares of Twenty Pounds each, and expended the Sum so raised for the Purposes of their Undertaking: And whereas, in addition to the said Sum of Forty thousand Pounds, the Company have expended upon their permanent Works the Sum of Twenty thousand Pounds and upwards out of or from the Revenue or Income of the Company, and which Sum of Twenty thousand Pounds, if not so expended, would have been applicable to Dividends in the Proportion of Eight Pounds to each Share of Twenty Pounds: And whereas since the passing of the said Act the Population of the said City, Liberties, Precincts, and Parishes, and the Number of Houses and other Buildings therein, and the Demand for Gas therein, have greatly increased and are still increasing: And whereas it is expedient that the Company should be empowered to increase their Supply of Gas within the said City, Liberties, Precincts, and Parishes, and to extend their Supply of Gas to the Parishes of *Weston*, *Twerton*, *Swainswick*, and *Charlcombe*, all in the said County of *Somerset*, and to acquire the Fee Simple of and in the Lands now occupied by them, and to purchase other Lands: And whereas it is expedient that the Company should be empowered to capitalise the said Sum of Twenty thousand Pounds so appropriated out of Revenue as aforesaid, and to raise further Money for the Purpose of extending and increasing their Supply of Gas: And whereas the Limits of the City of *Bath* as fixed by the Act (5th and 6th *William* the Fourth, Chapter 76) for the Regulation of Municipal Corporations in *England* and *Wales*, for the Purposes of that Act, include the said Parish of *Bathwick*, and the herein-before described Part of the said Parish of *Walcot*: And whereas, in order to avoid the Inconveniences arising from several Acts relating to the same Purposes being in force at the same Time, it is expedient that the said firstly-recited Act be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted or continued by this Act: And whereas the Purposes aforesaid cannot be effected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,)

58 G. 3. c. lv. repealed.

I. The said firstly-recited Act of the Fifty-eighth Year of the Reign of King *George* the Third shall be and is hereby repealed, but subject to the Provisions contained in this Act.

Short Title.

II. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Bath* Gas Act, 1856."

III. "The

8 & 9 Vict. cc. 16. & 18. and 10 & 11. Vict. c. 15. incorporated.

III. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall be and the same are hereby incorporated with this Act; and in construing those Acts respectively in connexion with this Act the Expression "the Special Act" shall mean this Act; the Expressions "the Company" and "the Undertakers" respectively shall mean the Company incorporated by the said firstly-recited Act and continued by this Act; and the Expressions "the Undertaking" and "the Gasworks" respectively shall include all the Works of the Company executed and to be executed, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; and the Expression "Quarter Sessions" in the said incorporated Acts shall mean the Quarter Sessions for the City and Borough of *Bath*.

Limits of Act.

IV. The Limits of this Act shall comprise and include the whole of the City of *Bath* (as defined by the said Act for the Regulation of Municipal Corporations in *England* and *Wales*) and the Parishes of *Weston*, *Twerton*, *Swainswick*, and *Charlcombe* aforesaid, and within such Limits the Company may supply Gas for public and private Purposes.

Company to continue incorporated.

V. Notwithstanding the Repeal of the firstly-recited Act, the Company shall for the Purposes of this Act be and continue incorporated by the Name of "The *Bath* Gaslight and Coke Company," and by that Name shall be and continue One Body Corporate, with perpetual Succession and a Common Seal, and may sue and may be sued, and (subject to the Restrictions in this Act) with Power to make, maintain, alter, discontinue, and remove Gasworks, and to supply Gas, and to carry on the Business of a Gas Company, and to purchase, hold, and dispose of Lands and other Property for the Purposes of their Undertaking.

Liability of Company continued.

VI. Notwithstanding the Repeal of the firstly-recited Act, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered respectively under the repealed Act shall be as valid as if this Act were not passed; and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened and this Act were not passed would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company as by this Act continued shall represent the Company incorporated by the repealed Act: Provided always, that the Generality of the Provisions contained in this

this Enactment shall not be confined or restricted by any special Provision contained in this Act.

Company to continue entitled to Property.

VII. Notwithstanding the Repeal of the firstly-recited Act, the Company shall be and remain seised and possessed of and entitled to all the Gasworks, Gasometers, Retorts, Apparatus, Machinery, Mains, Pipes, Gauges, Meters, Engines, Works, and Conveniences, and all Lands, Tenements, Hereditaments, Buildings, Easements, Appurtenances, prospective and other Rights, Powers, Privileges, Goods, Chattels, Choses in Action, Monies, Effects, Bonds, Deeds, Books, Writings, Papers, Maps, Plans, and Personal Estate and Property, Claims and Demands whatsoever of or to which the Company or any Person in trust for them is or are or was or were under or by virtue of the repealed Act, or otherwise howsoever, immediately before the passing of this Act seised, possessed, or in anywise entitled at Law or in Equity, or otherwise howsoever, and that as fully and effectually, to all Intents and Purposes whatsoever, as if this Act were not passed.

Conveyances, &c. to remain in force.

VIII. Notwithstanding the Repeal of the firstly-recited Act, all Purchases, Conveyances, Grants, Assurances, Leases, Contracts, Agreements, and other Acts, Deeds, and Things before the passing of this Act done, entered into, executed, or instituted under or by virtue or with reference to the Purposes of the repealed Act shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as if the firstly-recited Act had not been repealed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

IX. Notwithstanding the Repeal of the firstly-recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the passing of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Company in like Manner and in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the firstly-recited Act committed before the passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if the firstly-recited Act had not been repealed.

Gas Rates, &c. to be recovered.

X. Notwithstanding the Repeal of the firstly-recited Act, all Gas Rates and Rents which immediately before the passing of this Act were due and payable or accruing to the Company shall be payable to and may be collected and recovered by the Company, in like Manner as the Gas Rates and Rents under this Act.

XI. Not-

Debts due to and by the Company to be paid to and by them.

XI. Notwithstanding the Repeal of the firstly-recited Act, all Persons who immediately before the passing of this Act owed any Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the Company; and all Debts and Monies which immediately before the passing of this Act were due or owing or recoverable from the Company, or for the Payment of which the Company are or but for this Act would be liable, shall be paid, with all Interest (if any) due or payable or accruing for the same, by or be recoverable from the Company.

Books, &c. to be Evidence.

XII. Notwithstanding the Repeal of the firstly-recited Act, all Books, Certificates, Writings, and Documents by that Act directed or authorized to be kept, and which if this Act were not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Certificates, &c. to remain in force.

XIII. Notwithstanding the Repeal of the firstly-recited Act, all Certificates, Sales, Transfers, and Dispositions heretofore made or executed under that Act of or with respect to any Shares in the Company shall remain in full Force, and continue and be available in all respects, as if that Act had not been repealed.

Byelaws, &c. to remain in force.

XIV. Notwithstanding the Repeal of the firstly-recited Act, all Byelaws, Resolutions, Rules, Notices, Regulations, and Orders made under the said recited Act shall continue in force until the same be repealed, altered, or varied under this Act, and such Byelaws, Resolutions, Rules, Notices, Regulations, and Orders, and all Penalties and Forfeitures thereby respectively imposed, may and shall be enforced, recovered, and applied by the Company in the same Manner in all respects as if the same had been made and imposed respectively under this Act: Provided always, that no Byelaw of the Company shall have any Force or Effect after the Expiration of Two Months from the passing of this Act, unless the same shall have been approved of by the Recorder of *Bath* for the Time being.

Officers to continue until removed.

XV. Notwithstanding the Repeal of the firstly-recited Act, all Officers and Servants appointed by virtue of or acting under the Authority of that Act shall hold and enjoy their respective Offices and Employments, together with the Salaries and Emoluments thereunto annexed, until they shall be removed therefrom, and shall have the like Powers and Authorities for the Purposes of this Act and for carrying the same into execution, and all such Officers and Servants and their respective Sureties 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 and such Sureties had become bound respectively under this Act.

Capital.

XVI. The Capital of the Company shall be Eighty-five thousand Pounds; and Sixty thousand Pounds, Part of that Capital, shall be divided into Two thousand five hundred Shares of Sixteen Pounds each, which shall be distinguished as Class A Shares, and Two thousand five hundred Shares of Eight Pounds each, which shall be distinguished as Class B Shares; and the Class A Shares and Class B Shares shall be appropriated and shall belong to the several Persons and Corporations who immediately before the passing of this Act were the Holders of the Two thousand five hundred then existing Shares of Twenty Pounds in the Capital of the Company, in the Proportion of One Class A Share and One Class B Share in substitution for each such Share of Twenty Pounds held by them respectively immediately before the passing of this Act, and every such substituted Share shall be deemed fully paid up.

Old Certificates to be delivered up before new ones granted.

XVII. The Holders of Shares in the *Bath* Gaslight and Coke Company existing before the passing of this Act shall not be entitled to any Certificates of Proprietorship under this Act until they shall have delivered up to the Company for Cancellation 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.

Substituted Shares to be held on same Trusts, &c. as old Shares.

XVIII. Every substituted Share shall vest in the Person entitled thereto upon the same Trusts, and subject to the same Powers, Provisions, and Liabilities, as those which immediately before the passing of this Act affected the then existing Share for which it is substituted, and so as to give effect to and not to revoke any Will or Testamentary Disposition of or affecting such then existing Share.

As to Creation of new Shares.

XIX. Subject to the Provisions of this Act, the Company may from Time to Time, with the Consent of Three Fifths at least of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company specially convened for that Purpose, raise by the Creation and Issue of new Shares such Part of the Capital of the Company as shall not for the Time being have been raised, and may create the new Shares either of one Class and with the like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts respectively, and with any fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other Dividend or Interest, as the Company from Time to Time shall think fit, and may from Time to Time (subject to the Provisions of this Act) fix, as they think fit, the Amounts and Times of Payment of the Calls on the new Shares: Provided always, that all the Shares

Shares of the same Class shall be of like Amount, and all the Shares of the same Class shall confer like Privileges and bear the like Dividend or Interest; provided also, that any such fixed, guaranteed, or preferential Dividend or Interest shall not exceed the Rate of Five Pounds Ten Shillings in the Hundred Pounds by the Year on the Amount for the Time being paid up on the Shares to which the same shall be attached; but this present Provision shall not prevent the Company from admitting the Holders of such Shares to participate (to such Extent, if any, as shall be authorized by Three Fifths of the Votes of the Shareholders present personally or by Proxy at such Meeting, or at any other General Meeting of the Company specially convened for the Purpose of authorizing such Participation) in such Part of the Profits of the Company as shall remain applicable to Dividend, after paying or providing for all fixed, guaranteed, or preferential Dividends or Interest payable by the Company, and also a Dividend on the Class A Shares and the Class B Shares of the Company at a Rate equal to the highest Rate of fixed, guaranteed, or preferential Dividend or Interest for the Time being payable by them.

Saving previous Preference Shares.

XX. Provided always, That any Preference or Priority in the Payment of Interest or Dividend which may from Time to Time be granted in respect of any new Shares in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares which may have been previously granted by the Company by or in pursuance of this Act, or which may be otherwise lawfully subsisting.

Appropriation of new Shares.

XXI. The new Share Capital to be raised from Time to Time shall be divided into Shares of such Amount as will allow the same to be conveniently apportioned among the then Holders of then existing Shares in the Capital of the Company, in proportion to the Number of such existing Shares held by them respectively at the Time of the Creation of such new Shares, and such new Shares shall be offered to them at par in that Proportion, and such Offers shall be made by Letter under the Hand of the Chief Clerk of the Company given to or sent by Post addressed to each Shareholder according to his Address in the Books of the Company, or left for him at his usual or last known Place of Abode in *England* or *Wales*, and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the ordinary Course of Delivery ought to reach the Place to which it is addressed.

New Shares to vest in Persons accepting.

XXII. The new Shares so offered shall vest in and belong to the Shareholders who shall accept the same, and who shall pay to the Company the Calls thereon at the Times and by the Instalments which shall be fixed by the Company.

XXIII. Pro-

Disposition of Shares not taken by existing Shareholders.

XXIII. Provided always, That if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same and to pay the Instalments called for in respect thereof, the Company may dispose of such Shares in such Manner, to such Persons, and on such Terms as the Company may think fit.

Company may cancel unissued Shares.

XXIV. If after having created any new Shares the Company determine not to issue the whole of such new Shares, they may cancel the unissued new Shares, and may from Time to Time thereafter create and issue in lieu thereof other new Shares of an aggregate Amount not exceeding that of the new Shares so cancelled.

Dividend on new Shares.

XXV. Every Person or Corporation who becomes entitled to any new Share shall in respect of the same be a Shareholder in the Company, and shall (unless the Rate of Dividend or Interest thereon be at the Time of the Creation thereof otherwise fixed by the Company) be entitled to a Dividend with the other Shareholders, proportioned to the whole Amount for the Time being paid up on such Share, but subject to the Limitation of Dividends in this Act contained.

Limiting Rate of Dividends.

XXVI. With reference to the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit, the prescribed Rate of Profits to be divided among the Undertakers shall be, as regards the Class A Shares, Eight Pounds in the Hundred by the Year; as regards the Class B Shares, Seven Pounds in the Hundred by the Year; and as regards the new Shares to be created under the Powers of this Act, Seven Pounds in the Hundred by the Year, on the Amount for the Time being paid up on those new Shares.

Receipts of Guardians, &c. to be sufficient Discharges.

XXVII. If any Money be payable to a Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Calls.

XXVIII. No One Call to be made upon or in respect of any new Share created under the Powers of this Act shall exceed One Fourth of the Amount or nominal Value of such Share, and the Interval between successive Calls shall be not less than Two Months, and not more than Three Fourths of the nominal Amount of a Share shall be called up in any One Year.

Power to borrow Money on Mortgage.

XXIX. And whereas the Capital actually paid up and expended by the Company for the Purposes of their Undertaking previously to the passing of this Act amounted to the Sum of Forty thousand Pounds, besides Sums expended on their Works out of Revenue, and

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the Company have no Mortgage or Bond Debt: Therefore the Company may at any Time and from Time to Time after the passing of this Act borrow on Mortgage or Bond any Sums not exceeding in the whole (until the whole of the additional Capital of Twenty-five thousand Pounds to be raised by new Shares shall have been subscribed for, and One Half thereof shall be paid up,) Ten thousand Pounds.

Further borrowing Powers.

XXX. When and so soon as the whole of the additional Capital of Twenty-five thousand Pounds shall have been subscribed for and One Half thereof shall have been paid up, the Company may from Time to Time borrow on Mortgage or Bond for the Purposes of their Undertaking any further Sums of Money not exceeding in the whole, together with any Sums previously borrowed by them and remaining due, the Sum of Fifteen thousand Pounds.

Company may reborrow Sums paid off.

XXXI. If the Company pay off any Sums borrowed by them on Mortgage or Bond, they may again borrow the Sums so paid off, and so from Time to Time as often as Occasion shall require.

Application of Sums raised.

XXXII. All Money to be raised under the Provisions of this Act, whether by means of Shares or by Exercise of the Powers of borrowing or otherwise, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Scale of voting.

XXXIII. At all General Meetings of the Company the Shareholders shall be entitled to vote according to the following Scale; (that is to say,)

Every Holder of Stock or paid-up Capital, or both, of the aggregate Amount of Sixteen Pounds and less than Eighty Pounds, shall have One Vote;

Every Holder of Stock or paid-up Capital, or both, of the aggregate Amount of Eighty Pounds and less than One hundred and sixty Pounds, shall have Two Votes;

Every Holder of Stock or paid-up Capital, or both, of the aggregate Amount of One hundred and sixty Pounds and less than Three hundred and twenty Pounds, shall have Three Votes;

Every Holder of Stock or paid-up Capital, or both, of the aggregate Amount of Three hundred and twenty Pounds and less than Four hundred and eighty Pounds, shall have Five Votes;

Every Holder of Stock or paid-up Capital, or both, of the aggregate Amount of Four hundred and eighty Pounds and upwards, shall have Seven Votes;

but no Person shall have any Vote in respect of Stock or paid-up Capital, or both, amounting in the aggregate to less than Sixteen Pounds.

Proof of Majority at any Meeting only necessary when Poll required.

XXXIV. At any Meeting of the Company a Majority of Votes shall only be required to be proved in the event of a Poll being demanded at such Meeting, and if such Poll be not demanded, then a Declaration by the Chairman that the Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company shall be Evidence of the Fact without Proof of the Number or Proportion of Votes recorded in favour of or against such Resolution.

Periods for Ordinary General Meetings.

XXXV. The Ordinary General Meetings of the Company shall be held on the Company's Premises half-yearly in the Second Week in *June* and the Second Week in *December* in every Year, or at such other stated Places and Periods as shall from Time to Time be appointed for that Purpose by an Order of a General Meeting.

Requisition for Extraordinary Meetings.

XXXVI. The Number of Shareholders on whose Requisition an Extraordinary General Meeting shall be convened shall be Ten or more Shareholders holding Shares in the Capital of the Company of the aggregate nominal Value of Two thousand Pounds at the least.

Number and Qualification of Directors.

XXXVII. The Number of Directors, until reduced under the Power herein-after contained, shall be Fifteen, and the Qualification of a Director shall be the Possession in his own Right of Shares in the Undertaking of the aggregate nominal Value of Three hundred and twenty Pounds at the least.

Certain Persons disqualified for Directors.

XXXVIII. No Person who shall be a Dealer, either directly or indirectly, in any one of the Articles to be supplied to or manufactured by the Company shall be capable of being a Director, and if any Director at any Time subsequent to his Election become a Dealer, either directly or indirectly, in any such Article, his Office as Director shall thereupon become vacant, and thenceforth he shall cease from voting or acting as a Director.

Number of Directors may be reduced.

XXXIX. The Company may from Time to Time by Vote of any General Meeting reduce the Number of Directors, provided that the Number when so reduced be not less than Nine.

Quorum of Meeting of Directors.

XL. The Quorum of a Meeting of Directors shall be Three.

First Directors.

XLI. The Persons who at the Time of the passing of this Act are the Committee of Management of the Company shall be the First Directors of the Company, and they shall continue in Office until the First Ordinary Meeting in *June* held after the passing of this Act; and in connection with this Act the Eighty-third and subsequent Sections of "The Companies Clauses Consolidation Act, 1845," shall be read and construed as if in that Eighty-third Section the Words "First Ordinary Meeting to be held in the Month of *June* after the passing of

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the Special Act" were substituted for the Words "First Ordinary Meeting to be held in the Year next after that in which the Special Act shall be passed."

Committees of Directors.

XLII. The Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three or more than Five, of whom any Two in the Absence of the others shall be competent to act.

Representation of Company in Bankruptcy, &c.

XLIII. In all Proceedings against the Estate of any Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency, any Person appointed for that Purpose by the Company under their Common Seal 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.

Newspaper for Advertisements.

XLIV. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some one or more Newspaper or Newspapers published in the City of *Bath*.

Power to purchase Lands.

XLV. The Company may, for the Purposes of their Undertaking, purchase, take, and hold the Lands and Hereditaments specified in the Schedule to this Act, and the Reversion and Reversions, and all other Estates and Interests therein or in any Part thereof not now vested in the Company, either by Agreement or under the Powers of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands otherwise than by Agreement, and may (by Agreement with the Owners thereof, but not otherwise,) purchase, take, and hold any other Lands and Hereditaments, not exceeding in the whole Seven Acres, which the Company may from Time to Time require for the Purposes of their Works and Undertaking: Provided always, that the Company shall not purchase or take otherwise than by Agreement any Part of those Lands and Hereditaments, or any Reversion or other Estate or Interest therein, or in any Part thereof, now vested in *Henry Oliver*, or which he under "The Lands Clauses Consolidation Act, 1845," or otherwise, may have Power to dispose of.

Period for compulsory Purchases limited.

XLVI. The Powers by this Act granted to the Company for the compulsory Purchase of the Lands and Hereditaments specified in the Schedule to this Act shall not be exercised after Two Years from the passing of this Act.

Powers as to Construction of Gasworks, &c.

XLVII. The Company may from Time to Time maintain, alter, and discontinue their now existing Gasworks, and (subject to the Restrictions herein-after contained) may make, erect, lay down, provide and

and maintain additional and other Gasworks, and also Retorts, Gasometers, Receivers, Drains, Sewers, Mains, Pipes, Machinery, and other Works and Apparatus, Houses, Buildings, and Approaches, and may do all such Acts as they think propèr for making and storing Gas, and for supplying Gas within the Limits of this Act, and may make, store, and supply Gas accordingly, and may manufacture Coke and all other Products and Residuum of any Articles employed in or resulting from the Manufacture of Gas, and may sell the Gas and the Coke and other Products and Residuum of the Manufacture of Gas as they fromTime to Time think fit.

Restriction on Erection of new Works.

XLVIII. Provided always, That nothing in this Act contained shall authorize the Company to erect any Works for the Manufacture of Gas elsewhere than on that Part of the Lands specified in the Schedule to this Act which is now in the Occupation of the Company and their Tenants.

Power to lay Pipes against Buildings.

XLIX. 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, with the like Consent, from Time to Time repair, replace, alter, or discontinue and remove any such Pipe, Branch, or Apparatus.

Notice to be given before opening Grounds near Water Pipes belonging to Earl Manvers.

L. When and as often as the Company, their Servants, Agents, or Workmen, shall open any Ground for any of the Purposes of this Act, in or near to which may be any Water Pipe or Pipes belonging to or supplying Water to or for the Use of the Right Honourable *Charles Herbert* Earl *Manvers*, his Heirs or Assigns, or any Branch or Service Pipe or Pipes from such Water Pipe or Pipes, the Company, their Servants, Agents, or Workmen, shall before any such Ground shall be opened give at least Three clear Days Notice in Writing, except in Cases of Emergency, when Three Hours Notice only shall be deemed sufficient, to the Agent or Surveyor for the Time being of the said *Charles Herbert* Earl *Manvers*, his Heirs or Assigns, or as the Case may require, to the Occupier of any Dwelling House or other Building supplied by such Branch or Service Pipe or Pipes; and on every Occasion of opening such Ground the Company, their Servants, Agents, and Workmen, shall, under the Direction and Inspection of the Agent or Surveyor for the Time being of the said *Charles Herbert* Earl *Manvers*, his Heirs or Assigns, protect and secure such Pipe or Pipes from any Injury or Damage, and shall also repair and make good any Damgae that shall be done to any such Pipe or Pipes on any such Occasion,

Occasion, and on Default being made in any of the Matters aforesaid the Company shall forfeit and pay to the said *Charles Herbert* Earl *Manvers*, his Heirs or Assigns, any Sum not exceeding Forty Shillings, and shall also pay to him or them the Costs and Expenses which he or they shall have incurred in securing and protecting or in repairing or making good any such Pipe or Pipes injured or damaged by the Means aforesaid, and in default of Payment of such Penalty, Costs, and Expenses for Ten Days next after Demand shall be made by the Agent or Surveyor for the Time being of the said *Charles Herbert* Earl *Manvers*, his Heirs or Assigns, at the principal or only Office or Place of Business of the Company, Proof of such Demand being made by the Declaration of One credible Witness before a Justice of the Peace for the City of *Bath* or County of *Somerset*, such Penalty, and also all or so much of such Costs and Expenses as such Justice shall think fit to allow, shall and may be levied and recovered by Distress of the Goods and Chattels of the Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any such Justice of the Peace as aforesaid, which Warrant any such Justice is hereby empowered to grant, and such Penalty, Costs, and Charges, when so recovered, shall be paid to the said *Charles Herbert* Earl *Manvers*, his Heirs or Assigns.

Gas to be consumed by Meter, on Request.

LI. Every Consumer of Gas supplied by the Company shall, on Request in Writing by the Company, consume the Gas supplied to him by Meter; but such Meter, if provided by the Consumer, whether the same be a wet or dry Meter, shall be constructed, tested, fixed, and set up to the Satisfaction of the Company before it is used and during the User thereof.

Penalty for tampering with Meters.

LII. Every Person who shall knowingly and wilfully prevent any Meter from duly registering the Quantity of Gas supplied shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds, and the Existence of artificial Means for causing such Prevention, where such Meter shall be under the Custody or Control of the Consumer, shall be *primâ facie* Evidence that the same has been knowingly and wilfully caused by the Consumer using such Meter.

Company may remove Pipes from unoccupied Premises on giving Notice to Owner.

LIII. In all Cases in which the Company are by "The Gas-works Clauses Act, 1847," incorporated with this Act, authorized to cut off and take away 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 Twenty-four Hours previous Notice to the Owner by serving the 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 such House, Building, or Premises, between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, or Fittings, or other Works the Property of the Company, the Company making full Compensation to such Owner for any Damage which may be occasioned by the Removal and carrying away of any such Pipe, Meter, or Fittings or other Works.

Penalties not cumulative.

LIV. Penalties imposed on the Company for one and the same Offence by several Acts of Parliament shall not be cumulative, and for this Purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Maximum Price of Gas.

LV. The maximum Price at which Gas shall be sold by the Company to all Persons who shall burn the same by Meter shall not exceed Four Shillings and Sixpence *per* One thousand Cubic Feet.

Quality of Company's Gas.

LVI. 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, or other approved Burner and Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Ten Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Company to erect a Meter to test Purity of Gas.

LVII. The Company shall within Six Months from the passing of this Act cause to be erected in some convenient Part of their Works an Experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Power to Corporation to test the Purity of the Gas.

LVIII. It shall at any Time be lawful for the Mayor, Aldermen, and Burgesses of the City and Borough of *Bath* (herein-after called "the Corporation") by Order in Writing to appoint some competent Person, not being a Member or Officer or Servant of the Corporation, to proceed to the Works of the Company, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Company, 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 make Experiments 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 to the making of such Experiment; and if it shall be proved to the Satisfaction of any Two Justices, not being Directors or Shareholders of the

Penalty.

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 refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the said Justices shall determine.

Cost of Experiment to be paid according to the Event.

LIX. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs 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 the Gas being found when tested to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid by the Corporotion to the Company, and shall be paid or levied accordingly.

As to lighting Streets, &c.

LX. The Company shall, when required by the Mayor, Aldermen, and Burgesses of the City and Borough of *Bath*, supply Gas for the lighting of the Streets within the Limits of the said City and Borough, at a Price not exceeding Three Pounds a Year for every Lamp or Burner burning not more than Three thousand six hundred and fifty Hours a Year, and consuming on the Average not more than Four Cubic Feet of Gas an Hour, including the Cost of lighting such Lamps and the painting the Pillars, and painting, cleansing, and keeping in repair the Lamps necessary for such lighting, with a rateable Addition to that Sum for any Lamp consuming any greater Quantity; and in case of any Dispute as to the Quantity of Gas supplied, or Mode or Time of lighting such Lamps, such Dispute shall be settled by Arbitration: Provided always, that nothing herein contained shall compel the Company to lay down any new or additional Main for the Supply of Gas in any District of the said City and Borough not now supplied with Gas.

Company to supply Gas to private Consumers.

LXI. The Company shall, on the Request of the Owner or Occupier of any public or private Building or Land within the Limits of this Act, furnish such Person with a Supply of Gas for the Purpose of lighting or being used in such Building or Land, and shall also on the Request of such Person lay all necessary Service Pipes to communicate with the Company's Mains for the Purpose of furnishing such Supply of Gas: Provided always, that the Company may, before furnishing such Supply of Gas, require the Deposit or Prepayment of a Sum of Money equal to the estimated Amount of the Consumption of Gas for One Quarter of a Year by the Person so requiring such Supply; provided also, that the Expense of laying all such necessary

Service

Service Pipes of a greater Length than Fifteen Feet from the Company's Main shall be borne by the Person so requiring the same to be laid, and the estimated Cost thereof, if required by the Company, shall be paid in advance by such Person, and in case of Dispute between the Company and such Person as to such Costs, the same shall be settled by Arbitration.

Sums undisputed may be recovered by Distress.

LXII. All Sums of Money due to the Company for the Supply of Gas or for the Hire or fixing of Meters or Fittings, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount of which shall not be disputed, may (the Party in default being first duly summoned) be levied by Distress, and any Justice on Application may issue his Warrant accordingly.

Contents of Warrants.

LXIII. Any One 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.

Warrants may include Costs.

LXIV. 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 under 50*l.*

LXV. Nothing in this Act or any Act incorporated herewith contained shall prevent the Company from recovering any Sum of Money not exceeding Fifty Pounds due to them for the Supply of Gas, or for the Sale, Hire, or fixing of Meters, or for Damages, Costs, or Expenses by Action or Proceeding in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

As to Construction of Sect. 38. of 10 & 11 Vict. c. 15.

LXVI. The Thirty-eighth Section of "The Gasworks Clauses Act, 1847," shall be read and construed in connection with this Act as if the Words "and to the Clerk of the Peace for the City and Borough of *Bath*" were inserted therein in addition to the Words "to the Clerk of the Peace for the County in which the Gasworks are situate."

Liability to Gas Rate not to disqualify Justice.

LXVII. No Justice shall be disqualified for acting in the Execution of this Act by reason of his being liable to the Payment of any Gas Rent, Rate, or other Charge under this Act.

Saving Rights of

LXVIII. Except the Powers by this Act and the incorporated Acts given with respect to Streets, Bridges, Sewers, Drains, and Tunnels, and

and for the Execution of the Works by this Act and the incorporated Acts authorized, nothing in this Act contained shall defeat, abridge, alter, obstruct, or in any Manner interfere with the Powers and Authorities of the Mayor, Aldermen, and Burgesses of the City and Borough of *Bath*, under "The City of *Bath* Act, 1851," or under an Act passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for more effectually supplying with Water the City and Borough of* Bath, *and several Parishes and Places adjacent thereto.*

Municipal Corporation, under 14 & 15 Vict. c. civ. or 9 & 10 Vict. c. ccxx.

LXIX. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

Expenses of Act.

The SCHEDULE referred to in this Act.

CERTAIN Lands and Houses now occupied by the Company and their Tenants in the Parish of Weston and County of Somerset, adjoining the Upper Road leading from Bath to Bristol, and bounded by that Road on the North, by the River Avon on the South, by Gaslight Lane on the West, and by Premises belonging partly to Thomas Southwick and partly to Mrs. Ayliffe on the East.

Also certain other Lands and Houses now respectively held on Lease by John Perry, William James Francis, and William Bullin, lying between and bounded on the East and West Sides by the Lands and Houses firstly herein-before described, on the North by the said Road, and on the South partly by the River Avon, and partly by the Lands and Houses firstly herein-before described.

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