CHAPTER cxc.

An Act for dissolving the Blackrod Gas Company, Limited, for re-incorporating the proprietors therein with others, and for conferring powers on the Company so to be incorporated to supply Gas to the township of Blackrod and certain neighbouring townships and places in the county of Lancaster; and for other purposes. [24th July 1876.] A.D. 1876.

WHEREAS in the year one thousand eight hundred and sixty-nine certain persons formed themselves into a gas company, under the name of The Blackrod Gas Company, Limited, herein-after referred to as the limited company, for the purpose of supplying Blackrod and district in the county of Lancaster with gas, and generally for carrying on the business usually carried on by gas companies, and such company was duly registered under the Companies Act, 1862:

And whereas the present share capital of the limited company consists of twelve thousand pounds, divided into two thousand four hundred shares of five pounds each, of which ten thousand pounds have been subscribed, and seven thousand four hundred and twenty-two pounds ten shillings paid up, and the limited company has no mortgage or bond debt:

And whereas the limited company acquired, for a term of nine hundred and ninety-nine years, the piece of land described in the First Schedule to this Act, and erected gasworks thereon, and have from time to time improved and enlarged the same with the capital raised by them, and are now supplying gas within the township of Blackrod and the neighbourhood thereof:

And whereas the demand for gas in and near the township of Blackrod has increased and is increasing, and it is expedient that the works of the limited company be improved and their mains extended, and that additional capital be provided for such improvement and extension:

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And whereas it is expedient that the limited company be dissolved and re-incorporated with further powers:

And whereas it is expedient that the Company to be incorporated by this Act (in this Act called the Company) be authorised to purchase and acquire, by compulsion or otherwise, the lands described in the Second Schedule to this Act, which adjoin the existing gas lands of the limited company, and on such lands to extend their existing gasworks and erect new works:

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

And whereas a plan of the lands which may be purchased by compulsion for the purposes and under the powers of this Act, and a book of reference to such plan, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, were duly deposited with the clerk of the peace for the county of Lancaster, and are herein-after respectively referred to as the deposited plan and book of reference:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as The Blackrod Gas Act, 1876.

Provisions of certain general Acts incorporated.

2. The Gasworks Clauses Act, 1847, the Companies Clauses Consolidation Act, 1845, Part I. (cancellation and surrender of shares), Part II. (additional capital), and Part III. (debenture stock) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are, subject to the provisions of this Act, incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the existing undertaking of the limited company as if the same had been authorised by this Act.

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 shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

The expression "the Company" shall mean the Company incorporated by this Act:

The expression "works," "gasworks," and "undertaking" shall respectively mean and include the gasworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company, and any improvement thereof

which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects, and undertaking of the Company, and every part thereof respectively:

The expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act shall be the townships of Blackrod and Anderton, both in the county of Lancaster, but the Company may nevertheless continue to supply the Lancashire and Yorkshire Railway Company with gas in the township of Adlington.

Incorporation of Company.

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

General purposes of the Company.

6. The Company shall be established for the purpose of manufacturing gas from coal, peat, oil, or other materials, of what nature soever, yielding gas, and for supplying gas within the limits of this Act, and for converting or utilising materials used in and about the manufacture of gas, and of residual products resulting from such manufacture, and for dealing in, selling, and disposing of gas, and also coal, coke, lime, tar, chemicals, and other residual and manufactured products, and other matters and things, and for carrying on the business usually carried on by gas companies, or by companies or persons dealing in any of the matters and things aforesaid, and for manufacturing, purchasing, or hiring, and supplying gas meters, fittings, and other apparatus.

Present property of limited company vested in Company incorporated by this Act.

7. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the limited company, or any person in trust for them, or to which the limited company were in

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anywise entitled, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, syphons, apparatus, stock, effects, matters, and things which have been by them purchased, provided, laid down, erected, or placed in any house or place within the limits of this Act, or which immediately before the passing of this Act were the property of the limited company, and all moneys, securities, credits, effects, and other property whatsoever which immediately before the passing of this Act belonged to the limited company or to any trustee on their behalf, and the benefit of all contracts and engagements entered into by or on behalf of the limited company and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the limited company or any trustee on their behalf, and may, according to the provisions of this Act, be held and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Memorandum and articles of association of the limited company to be void, without prejudice to remedies for antecedent breaches thereof.

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

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the limited company, or the members thereof as such, shall be as valid as if the Company had not been incorporated, and the said memorandum and articles of association had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the Company were not incorporated, and the said memorandum and articles of association were not avoided by this Act, and this Act were not

passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands the Company and its shareholders and property shall to all intents and purposes represent the limited company, and the members thereof as such, and the property of the limited company, as the case may be, and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

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

Actions, &c. not to abate.

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

Trustees of limited company to be indemnified.

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

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Company to satisfy liabilities of limited company.

13. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the limited company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

Recovery of gas rents, &c.

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

As to payment of debts owing before 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 or accruing upon the same, to the Company; and all debts and moneys which immediately before the passing of this Act were due or recoverable from the limited company, or for the payment of which the limited company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

Certificates, &c. to remain in force.

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

Books, &c. continued evidence.

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

Officers to continue until removed.

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

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Present registers of members to be continued.

19. The books kept by the limited company for entering the names and designations of the members thereof, with the numbers of their shares, and the proper distinguishing number of such shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

Capital.

20. The capital of the Company shall be twenty thousand pounds, whereof ten thousand pounds is in this Act called the original capital, and ten thousand pounds is in this Act called the additional capital, and shall be raised in manner herein-after mentioned, and the original capital shall be divided into shares and half shares of ten pounds each share (which shares and half shares are in this Act called the old shares); and the Company may convert into stock the whole or any part of their original or additional capital when fully paid up.

Vesting of old shares in present shareholders.

21. The old shares shall be appropriated and belong to the several persons who immediately before the passing of this Act were the registered members of the limited company, each proprietor being entitled to one new share of ten pounds for every two shares of five pounds each held in the capital of the limited company.

Power to create half shares for certain purposes.

22. The Company shall, at the first ordinary meeting of the proprietors of the Company held after the passing of this Act, create such number of shares (to be called half shares) of five pounds each in the capital of the Company as shall be equal to the number of single shares in the capital of the limited company which shall at the time of the passing of this Act be held separately, and of the odd shares which shall remain after deducting from the numbers of odd shares held by any proprietor of the capital of the limited company the number of shares exactly represented by shares of ten pounds each in the capital of the Company, and upon the creation of such half shares one of such half shares shall be appropriated and belong to the proprietors respectively of each such share held singly and each such odd share as aforesaid, or their respective executors, administrators, successors, or assigns; provided always, that every two such half shares shall be deemed to represent and be in lieu of one of the shares of ten pounds each of which the capital of the Company consists, and all such half shares shall form part of the original capital of the Company; but if at any time after the creation of such half shares two of such half shares shall become vested in the same person or corporation, such two half

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shares shall immediately thereupon become ipso facto consolidated into one share of ten pounds, and shall for ever thereafter be dealt with accordingly.

Half shares to be numbered.

23. The half shares shall be numbered in arithmetical progression, beginning with number one, and every half share shall be distinguished by its appropriate number, and after the consolidation of any half shares into shares of ten pounds each the last-mentioned shares shall be numbered in arithmetical progression next after the then existing shares of ten pounds each, and shall thenceforth be distinguished by their appropriate numbers.

As to the word "share" in incorporated Acts.

24. In construing the provisions of the Companies Clauses Consolidation Act, 1845, and the Companies Clauses Act, 1863, the word "share" shall, for the purposes of this Act, be deemed to include "half share."

Shares and half shares in Company to be subject to same trusts as shares in existing Company.

25. Every share and half share by this Act appropriated as aforesaid shall be subject to the same liability for calls, and subject and liable to the same trusts, powers, provisoes, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the share for which the appropriated share or half share is substituted, and so as to give effect to and not to revoke any testamentary disposition of or affecting such existing share or shares.

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

26. The Company shall call in and cancel the existing certificates of shares in the limited company, and issue in lieu thereof certificates 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.

Profits of the Company limited.

27. The Company shall not in any one 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 up of such capital as may be issued as preference capital.

Power to raise additional capital.

28. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital, not exceeding in the whole ten thousand pounds, by the issue at their

option of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively.

As to amount of new shares.

29. Subject to the provisions of this Act with reference to half shares, any new shares, whether ordinary or preference, issued under this Act shall be of a nominal amount not less than ten pounds.

Shares of Company not to be issued until one-fifth part thereof shall have been paid up.

30. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

31. 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 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.

Receipt clause in case of person not sui juris.

32. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Dividends on different classes of stock or shares to be paid rateably.

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

Power to borrow in respect of original capital.

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

Power to borrow in respect of additional capital.

35. The Company may in respect of the additional capital of ten thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole two thousand five hundred pounds, but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half of such 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 shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate

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share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

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

For appointment of a receiver.

37. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Priority of mortgages over other debts.

38. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge which may be granted by them in pursuance of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

Debenture stock.

39. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the

passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages. A.D. 1876.

Application of moneys.

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

First ordinary meeting.

41. The first ordinary meeting of the Company shall be held within one year after the passing of this Act.

Number of directors.

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

Qualification of directors.

43. The qualification of a director shall be the possession in his own right of not less than ten shares.

Quorum.

44. The quorum of a meeting of directors shall be five, and if the number of directors is reduced to five the quorum shall be three.

First directors.

45. John Dickinson, Daniel Gerrard, Robert Critchley, Thomas Lowe, Thomas Orrell, Benjamin Howarth, William Foster, Joseph Ollerton, John Ashurst, Richard Mather, and James Elliott shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Contracts not to disqualify for office of director.

46. Any contract to be made with any board, corporation, or public body under this Act shall not disqualify any of the members of any such board, corporation, or public body for the office of directors; but no director being a member of such board, corporation, or public body shall vote on any question as to any contract with such board, corporation, or public body.

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Power to take lands.

47. Subject to the provisions of this Act, the Company may enter on, take, and use so much of the lands delineated on the deposited plans and described in the deposited book of reference as are situate within the township of Blackrod.

Powers for compulsory purchases limited.

48. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Powers as to construction and maintenance of gasworks, &c.

49. Subject to the provisions of this Act, the Company may from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue their existing gasworks upon the lands on which the same are erected, or any part thereof, and which are described in the First Schedule to this Act, and also upon the other lands described in the Second Schedule to this Act, and they may also erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew, or discontinue additional and other gasworks, retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stopcocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they may think proper 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, sell, provide, supply, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal oil, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

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

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

Power to lay pipes against buildings.

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

from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Limiting the price of gas.

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

Pressure of gas.

53. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure, and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

54. The prescribed number of candles shall be fourteen.

Testing place.

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

Burner.

56. The prescribed burner shall be Sugg's London argand burner, Number 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame rises above the top of the glass a six-inch by two-inch chimney shall be used.

Company to pay interest on money deposited as security for gas meter, &c.

57. If any person is required by the Company to give to them security for the payment of the price or rent of a meter, the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to hold licenses under letters patent.

58. The Company may take, hold, and use patent rights, licenses, or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture or distribution of gas, or the conversion, manufacture, or utilisation of the products obtained from the manufacture of gas or the materials used therein.

Contracts for supplying gas for public purposes

59. The Company may enter into and carry into effect any agreement with any urban or rural sanitary authority, or other

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local authority, and the trustees of any turnpike or other road, or any highway board, or any surveyors of any highway, and any railway company, and any other companies, bodies, or persons, for the supply of gas by the Company for public purposes within the limits of this Act, for any period not exceeding under any one such contract or arrangement seven years, and may vary, suspend, or rescind any such agreement, and enter into or carry into effect other agreements in lieu thereof or in addition thereto.

For the protection of the corporation of Liverpool.

60. For the protection of the mayor, aldermen, and burgesses of the borough of Liverpool (in this section referred to as the corporation), the following provisions shall have effect:

(As to pipes crossing mains of the corporation of Liverpool.)

(*a.*) Where any gas pipe or main (other than a service pipe) of the Company shall be laid across any water pipe or main (other than a service pipe) of the corporation, the Company shall cause such gas pipe or main to be laid and constructed so as to be self-supporting for a distance of three feet at the least on each side of the main or pipe at the point at which the same shall be so laid across such water pipe or main of the corporation, in order that the corporation may be enabled more easily to repair such pipe or main when requisite.

(Provision in case of injury to mains of corporation.)

(*b.*) Where any water main or pipe of the corporation shall be severed, fractured, injured, or interfered with by the execution of the works authorised by this Act, or where, by the execution of such works, it becomes necessary for maintaining a supply of water to lay an additional water main or pipe, such additional water main or pipe, or the necessary repairs or connexions, shall be laid or made by the corporation at the expense of the Company; provided that if the corporation shall not, after reasonable notice, lay such additional water mains or pipes, or make such repairs or connexions as may be required, the same may be laid or made by the Company.

(Gas pipes not to be laid near water main of corporation.)

(*c.*) The Company shall not, where there is available space, place or lay any gas main or pipe (other than a service pipe) within four feet from any water main or pipe (other than a service pipe) of the corporation without their permission, except in case of crossings, and except gas mains or pipes placed or laid by the Company in the same position and in substitution for existing gas mains or pipes.

(Notice to be given to corporation before execution of works within five

(*d.*) Before executing any works by this Act authorised over, under, or within five feet of any water main or pipe (other than a service pipe) of the corporation, the Company shall give to the corporation three days notice in writing of their intention so to do, and such works shall be constructed under

the superintendence and to the reasonable satisfaction of the engineer of the corporation, and the Company shall take such precautions and do such works for preventing, as far as possible, any injury or interruption to the works and water supply of the corporation as their engineer shall reasonably require, and shall pay all the reasonable expenses of the corporation of superintending the construction of such works and incident thereto, and make good all damage to be occasioned thereby.

(Provisions as to feet of corporation water main.)

(*e.*) If by reason of the construction of any of the works by this Act authorised interruption shall at any time be occasioned to the water supply of the corporation, or if any such interruption shall be occasioned during any repairs of the works of the Company, or for or by reason of any want of repair or due or proper maintenance thereof, the Company shall forfeit and pay to the corporation the sum of ten pounds for every day during which such interruption shall continue, and the same sum may be recovered with full costs of suit by the corporation in an action of debt in any division of Her Majesty's High Court of Justice, or in any court of competent jurisdiction.

(Penalty in case of interruption of water supply by the corporation.)

(*f.*) If any difference arise between the corporation and the Company touching the foregoing provisions for the protection of the corporation, or anything to be done or not to be done thereunder, such difference shall be determined by an arbitrator to be agreed upon between the parties, or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers upon the application in writing of either party, and the decision of the arbitrator shall be binding and conclusive on all parties, and the costs of the arbitration shall be in the discretion of the arbitrator.

(Difference between corporation and Company to be settled by arbitration.)

(*g.*) The provisions contained in this section shall not be deemed to qualify or affect the twenty-fifth section of "The Gasworks Clauses Act, 1847," and the corporation shall have such and the same rights under that section as if such provisions had not been passed.

(Saving rights under section 25 of the Gasworks Clauses Act, 1847.)

61. In laying down any mains or pipes, or in executing any works under or in exercise of the powers conferred by this Act, across or in any way affecting any railway, lands, or property belonging wholly or in part to, or worked, used, or occupied by the London and North-western Railway Company (herein-after called the railway company), or any of the bridges or works of any such

For protection of London and North-western Railway Company.

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railway, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company, and according to plans to be submitted to and approved by him before any such works are commenced; and such works shall be executed by and in all things at the expense of the Company, and so as not to cause any injury to any such railway, bridges, works, land, or property, or interruption to the passage or conduct of the traffic over any such railway, or at any station thereof, and if any injury shall arise to any such railway, bridges, works, lands, or property, or interruption to such traffic, the Company shall make full satisfaction to the railway company in respect of such injury or interruption.

If the engineer of the Company and the engineer of the railway company differ concerning the said plans, or the execution of the said works, every such difference shall be settled by an engineer to be appointed by the said engineers, or failing agreement by the arbitration of an engineer to be appointed by the President for the time being of the Institution of Civil Engineers, on the application of either party, the costs of the arbitration being in the discretion of the arbitrator.

For protection of Wigan Coal and Iron Company in working mines.

62. And whereas the Wigan Coal and Iron Company, Limited, are or claim to be owners, lessees, or occupiers of extensive mines under lands and premises in the township of Blackrod: Be it enacted, that neither the said company nor their assigns, nor any lessee, occupier, or worker of any of the said mines owned by, leased to, or occupied by the said Wigan Coal and Iron Company, Limited, and within the said township, shall be liable for or to make good to the Company any damage occasioned by the fracture of the mains or pipes of the Company, or to any consumer of gas supplied by means thereof, or by the escape of gas therefrom, which shall be occasioned by the sinking to, working of, getting, or carrying away in the usual and ordinary course pursued in the said township, any of those mines, or any part or parts thereof respectively.

Penalties not cumulative.

63. 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 any Act incorporated wholly or in part with this Act shall be deemed several Acts.

As to proceedings in bankruptcy on behalf of the Company.

64. In all proceedings against the estate of any bankrupt or under any liquidation, 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 Com-

pany against such estate were the claim or demand of such person and not of the Company.

Authentication of notices.

65. Any summons, warrant, demand, or notice, or other such document, to be issued or given for any of the purposes of this Act, may be in writing or print, or partly in writing or partly in print; and if the same require authentication by the Company, the signature thereof by the secretary to the Company shall be a sufficient authentication.

Notices to Company to be in writing, &c.

66. No notice to the Company to discontinue the use of any gas supplied by them shall be of any effect unless such notice shall be in writing, and shall be left at the principal office for the time being of the Company.

Liability to gas rent not to disqualify justice, &c.

67. No justice or judge shall be disqualified for acting in the execution of this Act by reason of his being liable to the payment of any gas rent, meter rent, rate, or charge under this Act.

Expenses of Act.

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

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THE SCHEDULES.

THE FIRST SCHEDULE.

All that piece of land now in the occupation of the limited company, and upon which the gasworks and buildings of the limited company are erected, situate in or near to the south-easterly side of the public highway called Grimeford Lane, in the township of Blackrod and parish of Bolton-le-Moors, in the county of Lancaster, and bounded on the north-easterly, south-easterly, and south-westerly sides thereof respectively by lands belonging or reputed to belong to Messieurs Robert Dewhurst and John Smethurst, and now or late in the occupation of Ralph Darbyshire as tenant thereof, and on the north-westerly side thereof by Grimeford Lane, and containing in the whole two roods and eleven perches or thereabouts.

THE SECOND SCHEDULE.

All that piece of land situate in the said township of Blackrod, belonging or reputed to belong to the said Messieurs Robert Dewhurst and John Smethurst, and now or late in the occupation of the said Ralph Darbyshire as tenant thereof, and adjoining to and co-extensive with the south-westerly and south-easterly sides of the piece of land described in the First Schedule, and measures a distance of 51 yards in a south-easterly direction from the west corner of the piece of land described in the First Schedule, thence a distance of 50 yards in a north-easterly direction to the east corner of the last-mentioned piece of land, thence a distance of 30 yards in a south-easterly direction, thence a distance of 80 yards in a south-westerly direction, thence a distance of 81 yards in a north-westerly direction to the south-east side of Grimeford Lane, thence a distance of 30 yards along the south-east side of that lane to the west corner of the piece of land described in the First Schedule. All which piece of land is bounded on the north-west partly by Grimeford Lane and partly by the piece of land described in the First Schedule, on the north-east partly by the piece of land described in the First Schedule and partly by lands in the occupation of the said Ralph Darbyshire as tenant thereof, and on the south-east and south-west by other lands in the occupation of the said Ralph Darbyshire as tenant thereof, and contains in the whole three roods and ten perches or thereabouts.

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