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An Act to incorporate the Brecon Gas Company, and to enable them to supply the town of Brecon with gas; and for other purposes relating to the Company. A.D. 1870.

[12th May 1870.]

WHEREAS the Brecon New Gas Company (Limited) was formed under a deed of settlement bearing date the thirteenth day of February one thousand eight hundred and fifty-six, for the purpose of supplying the inhabitants of the town and borough of Brecon, and the neighbourhood of such town and borough, with gas, and generally to carry on the business of a gas company; and the capital of the said company was declared to be six thousand pounds divided into shares of ten pounds each, with the power to augment the said capital by the additional sum of two thousand pounds, and to borrow a sum not exceeding three thousand pounds on mortgage of their undertaking; and the said company has been completely registered under the powers of "The Joint Stock Companies Act, 1856:"

And whereas the said company have raised the said capital of six thousand pounds, and they now owe on mortgage of their undertaking nine hundred pounds; and they have for many years lighted the town of Brecon, and have for that purpose erected works on the leasehold lands firstly and secondly described in the first schedule hereto, and they have purchased and now hold the lands described in the second schedule to this Act:

And whereas it is expedient that the said company should obtain the powers and be subject to the duties and liabilities conferred or imposed on gas companies who are incorporated by Parliament, and that for this purpose the said company should be dissolved, and should be re-incorporated:

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

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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:

Name and commencement of Act.

1. This Act may be cited for all purposes as "The Brecon Gas Act, 1870," and shall commence and take effect from the first day of January one thousand eight hundred and seventy-one.

8 & 9 Vict. cc. 16 & 18., 10 & 11 Vict. c. 15., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845," (except the sections thereof with respect to the purchase and taking of lands otherwise than by agreement,) "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of 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; and—

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

The expression "the limited company" shall mean the Brecon New Gas Company (Limited):

The expression "the corporation" shall mean the mayor, aldermen, and burgesses of the borough of Brecon, acting by the council of the said borough as the local board of health of the borough:

The expression "superior courts," or "court of competent jurisdiction," or any other like expressions in this Act or any Act wholly or partially 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.

10 & 11 Vict. c. 15. to apply to existing works.

4. "The Gasworks Clauses Act, 1847," shall be held applicable as well to the mains, pipes, and works of the limited company already laid down and constructed and vested in the Company by this Act as to the mains, pipes, and works to be hereafter laid down and constructed by the Company.

Limits of Act.

5. The limits of this Act shall be the borough and town of Brecon.

Company incorporated.

6. As from the commencement of this Act, the limited company shall be 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 united into a Company for the purpose of making and supplying gas within the limits of this Act, and for doing all things necessary for that purpose, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Brecon 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.

Property 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 commencement of this Act were vested in or held in trust for the limited company, or to which that company was in anywise entitled, either at law or in equity, 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 or provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the commencement of this Act were the property of or belonged to that company, and all moneys, securities, credits, and effects and other property whatsoever belonging to that company, and the benefit of all contracts and engagements entered into with and on behalf of that company, and immediately before the commencement of this Act in force, shall be and the same are hereby transferred to and vested in the Company, to the same extent and for the same estate and interest as the same were previously to the commencement of this Act vested in the limited company, and may, according to the provisions of this Act, be held and enjoyed, sued for and recovered, maintained, altered, discontinued, sold, let, or removed by the Company as they think fit.

Deed of settlement to be void as to any future operation.

8. Subject to the provisions of this Act, the deed of settlement of the limited company dated the thirteenth day of February one thousand eight hundred and fifty-six shall, as to any future or prospective operation thereof, from and after the commencement of this Act be wholly void and of none effect, and the several persons who have executed the same, and their heirs, executors, administrators, and assigns, shall immediately from and after the commencement of this Act stand and be by virtue of this Act released and discharged from any future obligation to perform, abide by, fulfil, or conform to such provisions or any of them.

Previous rights and liabilities

9. Excepting as is by this Act otherwise expressly provided, everything before the commencement of this Act done or suffered

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not to be affected.

by or with reference to the limited company, or the shareholders therein respectively, in that capacity, shall be as valid as if this Act had not been passed, and, except as aforesaid, the provisions of this Act shall accordingly be subject and without prejudice to anything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if this Act were not passed, would be incidental 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 shall to all intents and purposes represent the limited company and the shareholders therein respectively in their capacity of shareholders.

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

10. Except as is by this Act otherwise specially provided, all purchases, sales, grants, conveyances, leases, deeds, contracts, bonds, debentures, and agreements entered into or made before the commencement of this Act, by, to, or with the limited company, and now in force, shall be as binding and of as full force and effect against or in favour of the Company, and may be enforced as fully and effectually as if instead 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 or shareholder thereof, in relation to the affairs of that company, or to which that company, or any member or shareholder thereof in relation to such affairs, were parties immediately before the commencement 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 or in favour of or against the limited company, as the case may be, by any member or shareholder 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.

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

12. If any judgment, decree, or order be at any time after the commencement 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 Company before the commencement 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 to the same extent as if this Act had not passed, and execution thereon issued against the property and effects of any person who was a member of the Company immediately before

the commencement 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 who was legally responsible in respect of such debt or liability.

Reimbursement of shareholders in such cases.

13. 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.

Books to be evidence.

14. All entries in the books of the limited company for evidencing the ownership of any share of the capital of that company, and showing who immediately before the commencement of this Act were the shareholders of that company, shall be primâ facie evidence to show who immediately before such commencement were the shareholders of the limited company; and all books, writings, and documents which that company was authorised or required to keep or make, and receivable in evidence, before the commencement of this Act, shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Gas rents, &c. to be recovered.

15. All gas rents and sums of money which immediately before the commencement of this Act were due and payable or accruing to the limited company shall be payable to and may be collected and recovered by the Company, in like manner as the gas rents under this Act.

As to payment of debts owing before the commencement of this Act.

16. All persons who immediately before the commencement of this Act owed any money to the limited company, or to any person on their behalf, in respect of their gasworks, shall pay the same, with all interest (if any), due and payable or accruing upon the same, to the Company, and all debts and moneys which immediately before the commencement of this Act were due or owing or recoverable from the limited company in respect of their gasworks, or for the payment of which that company was 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.

Officers to continue until removed.

17. All officers and servants of the limited company who were in office immediately before the commencement of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereto annexed, until they resign the same, or be removed therefrom by the Company, and shall have

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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.

18. The capital of the Company shall be ten thousand pounds, whereof six thousand pounds shall consist of the capital already paid up and expended, and herein-after called "the original capital," and four thousand pounds may be raised under the powers of this Act, and is herein-after called "the new capital."

Shares not to issue until one fifth paid up.

19. The Company may from time to time raise, by the creation and issue of new shares of an amount of not less than ten pounds each, or of new stock, or by either of those modes, the whole or any part of the new capital by this Act authorized, but no such share or stock shall be issued by the Company, or vest in the person accepting the same, unless and until a sum not being less than one fifth of the nominal amount thereof shall have been paid up.

Conversion of shares.

20. Every person and corporation, being on the commencement of this Act the holder of a share in the original capital, shall be entitled in substitution for every such share, and upon delivering up the certificate of the same to be cancelled, or upon satisfying the directors that such certificate has been lost or destroyed, to a certificate for a share of the like nominal value in the capital of the Company, and such share shall by virtue of this Act be vested in and belong to such person and corporation respectively upon the same trusts, and subject to the same powers, provisoes, declarations, and agreements, charges and incumbrances, as affected the share so converted immediately before the commencement of this Act, and so as to give effect to and not revoke any will or other testamentary instrument disposing of or affecting such share or shares: Provided that all existing certificates of shares (until cancelled under the powers of this Act), and all sales, transfers, and dispositions heretofore made or executed of or relating to such shares, shall remain in full force, and continue to be available in all respects as if this Act had not been passed.

Votes, and limiting number of shares.

21. Each share in the original capital shall confer one vote, and (in conformity with the provisions of the said deed of settlement) no person shall hold in his own right or by the same title more than twenty shares of ten pounds each or two hundred pounds stock of the original capital.

Limit of dividend on new capital.

22. The company shall not in any year make out of their profits any larger dividend on the original capital than ten pounds, or on

the new capital than seven pounds, in respect of every one hundred pounds actually paid of such capital respectively: Provided that the Company may from time to time attach to such new capital, or to any part thereof, before the issue thereof, any perpetual or redeemable preference or priority of interest not exceeding six pounds per centum per annum.

Power to borrow on mortgage.

23. The Company may at any time, and from time to time after the commencement of this Act, borrow on mortgage any sums not exceeding in the whole one thousand five hundred pounds, inclusive of the sum of nine hundred pounds already borrowed by the limited company, and may from time to time borrow on mortgage any further sum not exceeding one thousand pounds, but no part of the additional sum of one thousand pounds shall be borrowed until the whole of the new capital is subscribed for, issued, and accepted, and one half thereof 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 such new capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share 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 certificate shall be sufficient evidence.

Arrears may be enforced by appointment of a receiver.

24. 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 the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than one thousand pounds in the whole.

Power to create debenture stock.

25. The Company may create and issue debenture stock.

Existing mortgages to have priority.

26. All mortgages and bonds granted by the limited Company which shall be subsisting as a charge on their undertaking at the time of the commencement of this Act shall during the continuance of such mortgages and bonds have priority over any mortgages to be granted by virtue of this Act.

Application of moneys.

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

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General meetings.

28. The first ordinary general meeting of the Company shall be held within two months after the commencement of this Act, and the future ordinary meetings of the Company shall be held half-yearly in the months of February and August in every year, or in such other months as the Company by the resolution of an extraordinary general meeting from time to time determine; and all meetings, whether ordinary or extraordinary, shall be held at such place or places within the limits of this Act as may from time to time be appointed by the directors.

Quorum of meetings.

29. The quorum to constitute a general meeting, whether ordinary or extraordinary, of the shareholders of the Company, shall be five shareholders holding in the aggregate not less than five hundred pounds nominal value in the capital of the Company.

Extraordinary meetings may be convened by shareholders.

30. The number of shareholders who may convene extraordinary meetings of the Company shall not be less than seven holding capital in the Company of the aggregate nominal value of five hundred pounds at least.

Number of directors.

31. The number of directors shall be ten, but the Company may from time to time reduce the number, provided that the number be not less than six.

Qualification of directors.

32. The qualification of a director shall be the possession in his own right of shares in the capital of the Company of not less nominal value than fifty pounds.

Quorum of directors.

33. The quorum of a meeting of directors shall be three.

As to future election of directors.

34. The persons who at the time of the commencement of this Act were directors of the limited company shall be the first directors of the Company, and shall continue in office and receive the salaries attached thereto until the first general meeting held after the commencement 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. 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 hereinbefore 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.

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As to vacating of office by directors.

35. Without prejudice to the provisions contained in the eighty-sixth and eighty-seventh sections of "The Companies Clauses Consolidation Act, 1845," every director who shall become a member of the local board of health of the borough of Brecon, or shall cease to reside within seven miles of the said borough, or shall neglect to attend any meeting of the directors for the space of six successive months, shall cease to be a director of the Company.

Auditors need not hold shares.

36. The auditors need not hold shares or stock in the Company, and it shall not be necessary to have more than one auditor.

Power to purchase lands by agreement.

37. The Company may purchase (but only by agreement) the freehold and reversion of the lands firstly and secondly described in the first schedule to this Act, and may also purchase (but only by agreement) the freehold and inheritance or may take on lease the lands thirdly described in the same schedule, and use the same respectively for the purposes of their undertaking.

Power to purchase additional lands.

38. The Company may from time to time purchase, by agreement, any additional lands which they may require within the limits of this Act for the purposes of their undertaking, not exceeding in the whole two acres.

Power to maintain works.

39. Subject to the provisions of this Act, the Company may from time to time maintain, alter, improve, enlarge, extend, discontinue, and remove the now existing gasworks, lands, and premises of the limited company, and may, upon the lands firstly and secondly described in the first schedule to this Act, and upon the lands thirdly so described when acquired by the Company, provide and maintain, or discontinue and remove, additional or other gasworks and premises, and also such retorts, gasometers, gasholders, receivers, purifiers, drains, sewers, mains, pipes, meters, syphons, machinery, and other works, and apparatus and conveniences, as they think proper, for manufacturing and supplying gas, and may do all such acts as they think proper for manufacturing gas, and for storing gas, and for supplying gas within the limits of this Act, and may manufacture, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, coal, lime, and all products and residuum of any materials employed in or resulting from the manufacture of gas, 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; but nothing in this Act contained shall prevent the Company from being liable to an indictment for a nuisance, or to any other legal proceeding to which they may be liable, in conse-

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quence of making or supplying gas, or doing such other acts as by this section they are authorised to do.

Prohibition against erecting gasworks except on lands described.

40. Provided always, that the Company shall not manufacture gas or the residual products thereof except upon the lands described in the first schedule to this Act, nor shall they, except on such lands, erect works for the storage of gas within three hundred yards of any dwelling house existing at the time of the acquisition by the Company of the lands for such storage works, without the consent in writing of the owner, lessee, and occupier of any such dwelling house.

Power to lay pipes against buildings.

41. Subject to the provisions in this and the said incorporated Acts contained, the Company may, with the consent of the owner and occupier of any building, lay any pipe, branch, or other necessary apparatus from any main or branch pipe, into, through, or against any building, for the purpose of lighting the same, and with the like consent may provide and set up any apparatus necessary for securing to such buildings a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply.

Limit of charge for gas.

42. The price to be charged by the Company for the gas supplied by them to persons who shall burn the same by meter shall not exceed the sum of five shillings per thousand cubic feet.

Consumers may be required to consume by meter.

43. Every consumer of gas supplied by the Company (except the corporation) shall, on being required by the Company so to do, consume such gas by meter.

As to supply to the corporation.

44. The following provisions shall apply to the supply of gas to the corporation:

(1.) The corporation may, if they think fit, consume gas by meter, provided that there shall be not less than one meter to every ten public lamps:

(2.) The price to be charged to the corporation for public lamps shall not exceed the lowest price charged for the time being to any private consumer, and such price shall not include the expense of repairing, cleansing, or lighting the lamps, or the rent of meters, if hired from the Company:

(3.) The Company shall, upon the request in writing of the corporation, extend their mains into any public road within the limits of this Act, the corporation contracting that there shall be public lamps at the rate of not less than one in every sixty yards of such road, and that for any distance less than sixty yards, or for any distance beyond sixty yards or a multiple thereof, there shall be a public lamp.

Providing for extending of supply.

45. The Company shall, upon the request in writing of any occupier of property within twenty yards of any main of the Company, lay down, at their own expense, the necessary pipes and apparatus for supplying such person with gas, and they shall, upon a similar request from any occupier of property at a greater distance than twenty yards from any such main, lay down, at the expense of such occupier of the difference between the said twenty yards and the premises so to be supplied, (to be paid, if the Company think fit, in advance,) the necessary pipes and apparatus for supplying him with gas; provided that in both cases the occupier shall tender one quarter's estimated rent of the gas to be supplied to him; and provided also, that nothing herein contained shall authorize the Company to enter into any private property for the purpose of laying down such pipes and apparatus, unless with the consent of the owner and occupier of such property.

Power to Company to let meters.

46. 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 repair of such meter and fittings, and 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.

Incoming tenant not to pay arrears of outgoing tenant unless by express agreement.

47. In case any consumer leave the premises where gas was supplied to him without paying to the Company the rate or meter rent due from him, the Company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears.

Security for payment of gas rate.

48. Any person having or requesting to have a supply of gas from the Company shall, if and when so required in writing by them, and before he is entitled to have service pipes and meter provided and fixed, or to have a supply of gas, give to them such security for the payment of the estimated rate for the gas to be supplied to him during the next ensuing three months as he and the Company agree on, or as, in default of agreement, shall be determined as by this Act provided; and the Company shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the Company.

Justice may determine nature of security.

49. Where any such person and the Company do not agree on the security to be given, the same shall be determined by a justice,

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and any single justice shall, on the application of the person and the Company, or either of them, determine the nature and amount of the security to be given; and the security may, as the justice thinks fit, be the deposit with the Company, or with any person approved by the justice, or the prepayment to the Company, of a sum of money, or any other security which the justice thinks sufficient and reasonable, and the determination of the justice shall be binding on all parties; provided that if the security be the deposit with the Company of a sum of money, the Company shall pay interest thereon to the consumer, at such rate and for such time as the justice determines.

Register of gas meter to be primâ facie evidence.

50. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by a customer of the Company in respect of which any rent is charged and sought to be recovered by the Company.

Power to remove meters and fittings.

51. The Company may, after forty-eight hours notice in writing under the hand of the secretary or other authorized officer of the Company to the occupier, or if unoccupied then to the owner or lessee of any land or premises in which any pipes, mains, meters, or fittings belonging to the Company are fixed, and through or in which the supply of gas shall, from the neglect of the owner or occupier, be discontinued, enter such land or premises between the hours of nine in the morning and four in the afternoon, for the purpose of removing and may remove such pipes, meters, or fittings, repairing all damage 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 sent by post addressed to such person: Provided that if one owner or lessee of any such unoccupied land or premises be unknown to the Company after due inquiry, the notice may be given by affixing it for three days to some conspicuous part of the land or premises.

Consumer to keep his own meter in order.

52. Every consumer of gas of 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, and of sufficient size for correctly registering such gas, in default whereof the Company may cease to supply gas through such meter; and the Company shall have access to and be at liberty to take off, remove, test, inspect, and replace the same at all reasonable times, 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.

Penalty for damaging meters.

53. If any person shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any pipes, mains, meters, or fittings, or other things connected therewith, belonging to the Company, or shall alter the index to any meter, or fraudulently alter any part of such meter or any pipes connected therewith, or in any way fraudulently, wilfully, or knowingly prevent such meter from duly registering the quantity of gas supplied, or by any means fraudulently abstract, consume, or use the gas of the Company, every person so offending shall for every such offence forfeit to the Company any sum not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damage sustained by them which shall not be satisfied by the amount of the penalty recovered, and may also discontinue, until the act complained of is remedied, but no longer, the supply of gas to the person so offending, and that notwithstanding any contract previously existing; and the existence of artificial or irregular means for causing such alteration or abstraction when such meter shall be under the custody or control of the consumer shall be primâ facie evidence that the same has been knowingly, wilfully, and fraudulently caused by the consumer using such meter: Provided always, that this enactment shall not prejudice any right of the Company to institute any criminal proceedings in reference to such offence in any case where they shall not proceed summarily under this Act.

Gas rents may be recovered by distress.

54. If any person shall neglect to pay any sum or sums of money due to the Company for the supply of gas, or for the hire or fixing of meters or fittings, the Company or the directors, or any person acting under their authority, may summon the party in default before a justice, and the justice may order that the sum so due or any part thereof may be levied by distress and sale of the goods and chattels of the person neglecting to pay the same, wherever such goods and chattels may be found, the surplus, if any, being rendered to the person so neglecting to pay, after deduction of the necessary charges for such distress and sale, and the justice shall issue his warrant accordingly.

Contents of warrant.

55. 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 shall include costs.

56. 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 the money, and such costs shall be ascertained by the

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justice, and shall be included in the warrant of distress for the recovery of such money.

Recovery of sums due to the Company.

57. Whenever any person neglects to pay any gas rate, meter rent, or other sum due to the Company, the Company may recover the same, with full costs of suit, 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 in that behalf.

As to quality of Company's gas.

58. The gas supplied by the Company shall be of such illuminating power at the place of testing such gas 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, and shall be so far free from sulphuretted hydrogen as not to discolour moistened test paper imbued with acetate or carbonate of lead when the test is exposed for one minute to a current of gas issuing under a pressure of five tenths of an inch of water.

Company to erect a meter to test illuminating power of gas.

59. The Company shall, within six months after the commencement of this Act, cause to be erected in the guildhall of the town of Brecon an experimental meter, furnished with an argand fifteen-hole burner and a seven-inch chimney, capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing, and so placed as to test the illuminating power and purity of all the gas of the Company, and shall at all times keep and maintain the experimental meter and apparatus in good repair and working order.

Power to test the illuminating power of gas.

60. The corporation may from time to time, by order in writing, and shall on the requisition in writing of any five or more persons being consumers of the gas of the Company, stating that the gas of the Company is not of the illuminating power or of the purity hereinbefore prescribed, appoint some competent person, not being an officer or servant of the Company, to test the illuminating power or the purity of the gas; 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 manager or other officer of the Company make experiment of the illuminating power of the gas by means of such experimental meter and other apparatus, 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 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 or the purity 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 justices shall determine.

Costs of experiment to be paid according to event.

61. The costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceeding before the justices, shall be ascertained by the 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 such penalty being imposed on the Company then those costs shall be ascertained by the justices, and shall be paid by the persons signing the requisition in equal shares.

Company may sell land described in second schedule.

62. The Company may sell and dispose of the land described in the second schedule to this Act when and as they see fit, without being subject to the provisions of the sections of "The Lands Clauses Consolidation Act, 1845," "with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof."

Providing for renewal fund.

63. The Company may retain the premises mentioned in the second schedule to this Act, and may permit the accruing rents received by them for the same premises to accumulate, or they may set aside and invest the purchase money of the said premises, if sold by them, and the interest of such purchase money, to form a renewal fund for the purpose of obtaining a renewal of the leases of the lands whereon their works are built, or for the purpose of purchasing the freehold and reversion of the said lands, or for the purpose of defraying the expense of removing their works if such leases shall not be renewed, and the said lands shall not be sold to them, and neither the said rent nor the said renewal fund, or the interest accruing thereon, shall be deemed part of the profits of the Company, or shall be divided among their shareholders: Provided that when the said fund has amounted to such a sum as shall be deemed by the Company adequate to the purposes aforesaid, the annual proceeds of the said fund (including therein the accruing rent of the said premises if unsold) shall be deemed part of the divisible profits of the Company.

Penalties not cumulative.

64. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and

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for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Liability to gas rates not to disqualify justices.

65. No justice or judge of any county court or quarter sessions shall, except as is by this Act otherwise provided, be disqualified from acting in the execution of this Act by reason of his being liable under this Act to any gas rate, meter rent, or other charge under this Act, or of his being a shareholder of the Company.

Shareholder may be a member of local board, &c.

66. No shareholder of the Company shall be disqualified from being or acting as a member of the corporation, or be liable to any penalty as such notwithstanding the local board or town council may enter into any contract with the Company or the directors for the time being: Provided that no such shareholder, being a member of the corporation, shall be entitled to vote in or concerning any such contract.

Company to sell works and undertaking to corporation on request.

67. If at any time within twenty-five years after the passing of this Act the corporation shall desire to purchase the works, lands, gas mains and undertaking, and the property connected therewith, of the Company, (except the lands described in the second schedule to this Act,) and of such desire shall give to the Company twelve months notice in writing under their common seal, signed by their clerk, the Company shall sell their lands, gasworks, mains, and undertaking, and property connected therewith, and all their right and interest therein, to the corporation, and the corporation shall purchase the same (except as aforesaid) from the Company, for a sum equal in amount to twenty years purchase of the annual dividend paid to the shareholders of the Company on an average of the five preceding years, and on payment of the debentures of the Company at par; and in the event of any difference arising between the corporation and the Company, the same shall be determined by arbitration in the manner provided by "The Lands Clauses Consolidation Act, 1845," for settling by arbitration questions of disputed compensation for land; and for the purposes of this Act the land, gasworks, mains, and undertaking of the Company, and property connected therewith, shall be deemed to be included in the term "land" in the said Act; and upon such sale being completed, and upon the execution by the Company of a conveyance duly stamped, wherein the purchase money shall be truly stated, the estate and interest of the Company in the said lands, gasworks, mains, undertaking, and property connected therewith, shall vest in the corporation, and all expenses of the purchase shall be paid by the corporation.

Company to wind up their affairs.

68. When the said undertaking shall be so transferred as aforesaid, the Company shall proceed to wind up their affairs, and in order thereto shall, subject to the payment, satisfaction, and discharge of all their debts, contracts, and liabilities, pay their net moneys to and among the several persons and corporations who shall then be the registered shareholders of the Company, in proportion to their respective shares of such capital, and when their said affairs shall be so wound up the Company shall be dissolved.

Expenses of Act.

69. 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.

FIRST SCHEDULE.

1. A piece of land held under leases of the Right Honorable Lord Tredegar, for a term whereof sixty-six years are unexpired, in the chapelry of Saint Mary in the parish of Saint John the Evangelist in the borough of Brecon, bounded on the north by the road or way leading from the ford under the Captain's Walk to the Old Watton turnpike gate, and on all other sides by other property of the said Lord Tredegar.

2. A piece of land held under lease for a term whereof fifty years are unexpired from the company of proprietors of the Brecon and Abergavenny Canal Navigation (whose undertaking is now vested in the Monmouthshire Railway and Canal company), and bounded on the south by the said last-mentioned road, on the north by the canal towing-path, and on the east and west by other property of the said Railway and Canal company.

3. Land and property abutting on the said last-described leasehold premises on the west, and lying between the same north and south boundaries, and bounded on the west by the repairing dock of the said Railway and Canal company.

SECOND SCHEDULE.

All that messuage, tenement, inn, and premises called and known by the name of "The Blue Boar," situate in a certain street or ward called the Watton in the town of Brecon in the county of Brecon, late in the tenure or occupation of Thomas Powell, and now in the tenure or occupation of Peter Powles.

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