ANNO DECIMO

VICTORIÆ REGINÆ.

****

Cap. xxvii.

An Act for granting further Powers to the *Bristol and Clifton* Oil Gas Company. [8th *June* 1847.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for lighting with Oil Gas the City of* Bristol *and the Parish of* Clifton *in the County of* Gloucester, *and certain Parishes adjacent thereto:* And whereas an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable the* Bristol and Clifton *Oil Gas Company to produce Gas from Coal and other Materials, and to amend the Act relating to the said Company:* And whereas it is expedient that Power should be granted to the said Company to raise an additional Sum of Money, and that some of the Provisions of the said recited Acts should be altered and enlarged, and such Objects might be more conveniently effected if the said recited Acts were repealed, and other Powers granted instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on

4 G. 4. c. 102.

6 & 7 W. 4. c. 15.

Former Acts repealed.

on the passing of this Act the said recited Acts passed respectively in the Fourth Year of the Reign of His Majesty King *George* the Fourth and in the Sixth Year of the Reign of His late Majesty King *William* the Fourth shall be and the same are hereby repealed: Provided always, that all Offences which shall have been committed, and all Penalties and Forfeitures which shall have been incurred, previously to the passing of this Act, shall and may be punishable and recoverable respectively under the said recited Acts as if the same had not been repealed.

Conveyances, &c. under repealed Acts to remain valid.

II. Provided always, and be it enacted, That the repealing of the said Acts shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Lease, Covenant, Contract, Agreement, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, executed, entered into, or transacted under or by virtue or in pursuance of the said hereby repealed Acts or either of them, but all such Purchases, Sales, Conveyances, Grants, Leases, Covenants, Contracts, Agreements, Securities, Acts, Matters, and Things shall be and the same are hereby declared to be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the said Acts were not repealed.

Re-establishment of Company.

III. And be it enacted, That the several and respective Persons and Corporations who immediately before the passing of this Act were Proprietors of or Subscribers for Shares in the *Bristol and Clifton* Oil Gas Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united into a Company for the Purpose of lighting with Gas the City and County of *Bristol*, and that Part of the Parish of *Westbury-upon-Trym* which is situate within the County of *Gloucester*, and that Part of the Parish of *Bedminster* which is situate within the County of *Somerset*, and for the Purpose aforesaid shall be incorporated by the Name of "The *Bristol and Clifton* Gaslight Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have full Power to purchase and hold Lands for the Purposes of this Act within the Restrictions herein and in the Acts herein incorporated contained; and such several and respective Proprietors and Subscribers shall be and be deemed to be Proprietors and Subscribers for the like Number of Shares in the Company hereby incorporated, and be interested therein in the like Parts, Shares, and Proportions, and shall be subject to the same Provisions in all respects, with reference to the Payment of Calls and the Forfeiture of such Shares, as if such Shares had been created under the Authority of this Act.

Incorporation of general Acts.

IV. And be it enacted, That the Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, and the Gasworks Clauses Act, 1847, shall be incorporated with and form Part of this Act, save as to such Parts thereof as may be modified by or are inconsistent with the Provisions of this Act.

Certain Portions of

V. Provided always, and be it enacted, That nothing in the said Lands Clauses Consolidation Act or in this Act contained shall

authorize the Company hereby incorporated to purchase, take, or use any Lands unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

general Act not to extend to this Act.

VI. Provided also, and be it enacted, That notwithstanding the Provision contained in the said "Gasworks Clauses Act, 1847," requiring the Company, before they proceed to open or break up any Street, Bridge, Sewer, Drain, or Tunnel, to give to the Persons under whose Control or Management the same may be, or to their Clerk, Surveyor, or other Officer, Notice in Writing of their Intention to open or break up the same not less than Three clear Days before beginning such Work, it shall be lawful for the Company to proceed to open and break up any such Street, Bridge, Sewer, Drain, or Tunnel, after having given to the Persons under whose Control or Management the same may be, or to their Clerk, Surveyor, or other Officer, Notice in Writing of their Intention to open or break up the same, not less than Twenty-four Hours before beginning such Work, except in Cases of Emergency arising from Defects in any of the Pipes or other Works, in which Cases such Notice shall be given so soon as is possible after the Beginning of the Work or the Necessity for the same shall have arisen; and the Penalty that might have been incurred for opening or breaking up any Street, Bridge, Sewer, Drain, or Tunnel under the said Gasworks Clauses Act, 1847, contrary to the Provisions of that Act shall extend and apply to the Notice required to be given under this Act.

Twenty-four Nours Notice to be given before opening Streets, &c., instead of Time fixed by general Acts.

VII. Provided always, and be it enacted, That it shall be lawful for any Person or Body having any Right or Interest in or Control over any Stream, Reservoir, or Aqueduct, Pond or Place, or the Water therein, within the said City and County or Parishes aforesaid, to recover with full Costs of Suit in any of the Superior Courts, by Action of Debt or on the Case, any Penalty to which the Company may be liable under the said Gasworks Clauses Act, 1847, although such Person or Body may not be Owner of the Water in such Stream, Reservoir, or Aqueduct, Pond or Place as aforesaid.

Persons having Rights in certain Waters may recover Penalties to which the Company are liable.

VIII. And be it enacted, That all Lands, Buildings, and Premises, and all Retorts, Gasometers, Receivers, Mains, Pipes, and other Apparatus, and all Easements, Rights, Powers, and Privileges whatsoever, and the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, of or to which the said *Bristol and Clifton* Oil Gas Company was seised, possessed, or entitled at Law or in Equity immediately before the passing of this Act, and all Interest and Property at Law or in Equity therein, shall be well and effectually vested in and belong to the Company hereby incorporated, and may be used, employed, and enjoyed by the said Company hereby incorporated for their absolute Benefit, and for the Purposes of this Act.

Works of former Company vested in new Company.

IX. And be it enacted, That from and immediately after the passing of this Act all the Monies, Goods, Chattels, Books, Writings, and other Personal Estate and Effects of or to which the said *Bristol and Clifton* Oil Gas Company was possessed or entitled at Law or in Equity imme-

Chattels and Choses in Action and Personal Estate of former

Company vested in new Company.

immediately before the passing of this Act shall be vested in and belong to the Company hereby incorporated for their absolute Benefit, and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the said *Bristol and Clifton* Oil Gas Company, or to any Person on their Behalf, shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the Company hereby incorporated, and all Debts and Monies which immediately before the passing of this Act were due and owing by or recoverable from the said *Bristol and Clifton* Oil Gas Company, or for the Payment of which they were or but for the passing of this Act would have been liable, shall be paid, with all Interest (if any) due or to accrue thereon, by or be recoverable from the Company hereby incorporated.

Rents now payable to continue till altered.

X. And be it enacted, That all Rents or Charges reserved, agreed, or contracted for under or by virtue of the said Acts hereby repealed, and which at the Time of the passing of this Act shall be due and payable, or if this Act had not passed would have been due and payable or would have accrued due and payable, shall continue to be payable until the same shall be altered or reduced under the Authority of this Act, and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rents or Charges to be reserved, contracted for, or received in pursuance of this Act may be collected or recovered.

Actions, &c. not to abate, and Penalties to be recoverable.

XI. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the said *Bristol and Clifton* Oil Gas Company previously to the passing of this Act shall abate or be discontinued or prejudicially affected by this Act, but on the contrary the same shall continue and take effect, both in favour of and against the Company hereby incorporated, in the same Manner in all respects as the same would have continued and taken effect in relation to the said *Bristol and Clifton* Oil Gas Company if this Act had not been passed.

Officers to continue until removed.

XII. And be it enacted, That every Officer and Servant appointed by virtue of or acting under the Authority of the said recited Acts hereby repealed or either of them shall hold and enjoy his Office and Employment, together with the Salary or Emoluments thereunto annexed, and be deemed an Officer and Servant of the Company hereby incorporated until he shall be removed from such Office and Employment; and such Officer and Servant shall have the like Power and Authority for the Purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like Power of Removal, and the like Pains and Penalties, and to the like Rules and Regulations, in all respects whatsoever as if he had been appointed under the Authority of this Act.

Books, &c. made Evidence by former Act to continue Evidence

XIII. And be it enacted, That all Books and other Documents whatsoever by the said recited Acts or either of them authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

XIV. And

Officers under former Act to account.

XIV. And be it enacted, That all Officers and Persons who on the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or any Effects under or by virtue of any of the Provisions of the recited Acts hereby repealed shall account for and deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner and subject to the same Process, Pains, and Penalties for Refusal or Neglect as if such Officers or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act.

Short Title.

XV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Bristol and Clifton* Gaslight Act, 1847."

Capital.

XVI. And whereas the present Capital of the Company raised or authorized to be raised under the said recited Acts is Forty thousand Pounds, divided into One thousand six hundred Shares of the nominal Value of Twenty-five Pounds each, and it is expedient that the same shall be increased to Eighty thousand Pounds; be it enacted, That Eighty thousand Pounds shall be the future Capital of the Company, and shall be divided into Three thousand two hundred Shares of Twenty-five Pounds each.

Shares to be created by this Act.

XVII. And be it enacted, That the Company may create such Number of new Shares of the Amount of Twenty-five Pounds each as they may find necessary for the Purpose of completing the additional Capital by this Act authorized to be raised.

Calls.

XVIII. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the new Shareholders, and Two Months at least shall be the Interval between successive Calls.

Power to borrow Money.

XIX. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum of Money so that the Sums due by the Company on Mortgage or Bond do not at any One Time exceed in the whole the Sum of Twenty-six thousand six hundred Pounds.

Number of Directors.

XX. And be it enacted, That the Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession by him of Ten Shares at least in the said Undertaking.

Power to vary the Number of Directors.

XXI. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Fifteen, and that the reduced Number be not less than Nine.

First Directors.

XXII. And be it enacted, That *Richard Boucher Callender*, *Thomas Fuidge*, *Edward Harley*, *John Howell* Doctor of Medicine, *William Morgan*, *Richard Harris Manning*, *John Jenner Mogg*, *John Nattriss*, *John Decimus Pountney*, *James Powell*, *Samuel Peace Pratt*, and *Henry Sealy*, shall be the first Directors of the Company.

Committees of Directors.

XXIII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three, and the Quorum of such Committees shall be such as the Directors shall at the Time of appointing the said Committee prescribe.

Power to purchase Lands.

XXIV. And be it enacted, That it shall be lawful for the Company to agree with the Owners of any Lands which they may think requisite or proper for the Purposes of the said Undertaking for the absolute Purchase for a Consideration in Money of any such Lands, or such Parts thereof as they shall think proper, not exceeding in the whole Ten Statute Acres, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands of what Kind soever.

Company empowered to construct Gasworks.

XXV. And be it enacted, That it shall be lawful for the Company, subject to the Restrictions herein contained, from Time to Time to make, construct, erect, lay down, maintain, alter, or discontinue such Retorts, Gasometers, Receivers, Cisterns, Engines, Machines, and other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, Machinery, and other Works, and also such Houses and Buildings, upon the Lands hereby authorized to be held and purchased by the Company, and to do all other Acts necessary and convenient as they shall think proper for supplying with Gas the Inhabitants within the said City and County and Parishes aforesaid.

Manufactory not to be erected within certain Limits.

XXVI. Provided always, and be it enacted, That it shall not be lawful for the Company to erect or establish any Manufactory, Gasometer, or other Building or Work for the Purpose of manufacturing Gas within that Part of the City and County of *Bristol* which is bounded by the old Line of the Rivers *Avon* and *Frome* (now being Part of the Floating Harbour of *Bristol*) and the Communication of those Rivers by *Castle Ditch*, without the Consent of the Court of General or Quarter Sessions of the Peace to be holden for the said City and County or at some Adjournment thereof, Ten Days previous Notice of the Application for such Consent being given in all the *Bristol* Newspapers; and if the Company shall erect or establish any Manufactory, Gasometer, or other Building or Work without such Consent, and use the same for the Purpose aforesaid, they shall forfeit and pay for every Day they shall so use the same, to any Person who shall sue for the same, the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, in any of the Superior Courts.

XXVII. Pro-

Company not to break up the Soil of certain Bridges, &c. without the Consent of the Bristol Dock Company.

XXVII. Provided always, and be it enacted, That it shall not be lawful for the Company to open or break up the Soil or Pavement of Two several Bridges across the *New Cut* within the said City and County, called or known by the Name of *Harford's Bridge* and *Hill's Bridge*, or either of them, or any of the Walls, Piers, Wharfs, Locks, or Basins belonging to the *Bristol* Dock Company, or lay down, place, or make upon, along, or within the said Walls, Piers, Bridges, Wharfs, Locks, and Basins, or any or either of them, or within the Floating Harbour within the said City and County, any Pipe, Conduit, Service Pipe, or other Work, except with the Consent in Writing of the said *Bristol* Dock Company, and on such Conditions as they may prescribe.

Notice to be served on the Bristol Gaslight Company before breaking up the Streets.

XXVIII. Provided always, and be it enacted, That before the said *Bristol and Clifton* Gas Light Company proceed to open or break up any Street, Bridge, Sewer, Drain, or Tunnel in which any Pipe or Work belonging to the *Bristol* Gaslight Company shall be placed or laid, the *Bristol and Clifton* Gaslight Company shall give to the *Bristol* Gaslight Company, or to their Clerk or other Officer, such and the like Notice in Writing of their Intention to open or break up the same as is required to be given to the Persons under whose Control or Management the same may be, and under and subject to the like Penalty and Forfeiture as is imposed upon the said Company in default of Notice to the Persons having such Control or Management.

Gas Pipes of Company not to be laid within certain Distances from the Pipes of the Bristol Gaslight Company.

XXIX. And be it enacted, That all and every the Pipes or Mains of the said *Bristol and Clifton* Gaslight Company to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Dock, or Quay within the said City and County of *Bristol*, or the Parishes or Places aforesaid, shall be marked with a Reed or Groove on the upper Surface thereof, to distinguish them from the Pipes of the *Bristol* Gaslight Company, and shall be so laid at the greatest practicable Distance, and, whenever the Width of the Carriageway in any such Street, Dock, or Quay will allow thereof, at the Distance of Three Feet and Six Inches at the least from the nearest Part of any Gas Pipe of the *Bristol* Gaslight Company, or of any Pipe for the Conveyance of Water in the said City and County of *Bristol* and the Parishes aforesaid, and under the Service Pipes of the said *Bristol* Gaslight Company where such Service Pipes are not more than Eighteen Inches deep, unless in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the Pipes of the said *Bristol* Gaslight Company, or any Pipe for the Conveyance of Water as aforesaid, in which Case the same shall be laid over and above the said Pipes of the said *Bristol* Gaslight Company, and any Pipe for the Conveyance of Water as aforesaid, at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and that in such Cases the Gas Pipes of the said *Bristol and Clifton* Gaslight Company so crossing any Gas Pipes of the *Bristol* Gaslight Company, or any Pipe for the Conveyance of Water as aforesaid, shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes to be laid by the said *Bristol and Clifton* Gaslight Company

Company shall be nearer to any Part of the Gas Pipes of the said *Bristol* Gaslight Company, or of any Pipe for the Conveyance of Water as aforesaid, than Three Feet at least wherever the same is practicable; and that in laying down the said Gas Pipes the said *Bristol and Clifton* Gaslight Company shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, Air-tight, and in all and every respect prevent Gas from escaping therefrom, and from any Part thereof, upon pain of forfeiting for every Offence the Sum of Five Pounds.

For the Protection of Pipes.

XXX. And be it enacted, That if any Injury or Damage shall be done by the said *Bristol and Clifton* Gaslight Company, or any Person acting by or under their Authority, to any of the Pipes, Branches, Apparatus, Materials, or Things of or belonging to any Person for the Supply of Gas or Water in or for the said City and the Parishes aforesaid, or any Part thereof, either by removing or disturbing the Ground or Soil wherein or whereon the same is or are laid or placed, or by the Compression and subsequent settling or lowering of the same at any Time or Times afterwards, or by any other Means whatsoever, the said *Bristol and Clifton* Gaslight Company shall, at their own Expence, Costs, and Charges, within Three Hours next after Notice in Writing to them given by such Person as aforesaid, or any Person having the Care or Management of such Pipes, Branches, Apparatus, Materials, and Things, or by the Clerk of any such Person for the Time being, proceed to cause such Pipes, Branches, Apparatus, Materials, and Things to be well and effectually repaired and amended, and in default or neglect thereof it shall be lawful for the Persons aforesaid, and they are hereby authorized and empowered, to cause such Pipes, Branches, Apparatus, Materials, and Things so injured or damaged as aforesaid to be effectually repaired, amended, and made good, and the reasonable Costs, Charges, Damages, and Expences attending the same, together with the reasonable Value of the Gas or Water loss, or other incidental Damage which may arise in consequence of any Injury so done, shall be paid and defrayed by the said *Bristol and Clifton* Gaslight Company or their Treasurer, and if they cannot agree touching the Amount or Value thereof, the same shall be ascertained and settled by some Justice or Justices of the Peace for the City, County, or Place where the Offence shall be committed, and be recovered in like Manner as any Penalty incurred by the said *Bristol and Clifton* Gaslight Company may be recovered.

Power to alter Pipes.

XXXI. And be it enacted, That if in pursuance of their respective Duties and Trusts it shall at any Time or Times be deemed necessary or expedient by the Commissioners for paving the City of *Bristol*, or the Trustees for making or repairing the Roads, Highways, Lanes,

Passages, and Places, or Surveyors of the Highways in the several Parishes aforesaid, to require the said Company to raise or sink any of the Pipes, Stopcocks, Plugs, Syphons, Valves, or Branches which shall be laid down by the said Company, the said Company shall at their own Expence, within One Calendar Month next after being required so to do by Notice in Writing to them given by the said Commissioners, Trustees, or Surveyors respectively, signed by their Clerk or Agent authorized, unless the said Commissioners, Trustees, or Surveyors shall grant further Time for so doing, raise or sink such Pipes, Stopcocks, Plugs, Syphons, Valves, or Branches according to such Notice, in such Matter as the said Commissioners or Trustees respectively shall think right and proper for the Purposes of their respective Trusts, and in default thereof it shall be lawful for the said Commissioners or Trustees, or their respective Surveyor, or any other Person or Persons acting by their Order or under their Authority, to cause such Pipes, Stopcocks, Plugs, Syphons, Valves, or Branches to be raised or sunk, and the reasonable Costs and Charges for doing the same shall immediately thereafter be paid by the said Company, and in case such reasonable Costs and Charges be not paid within One Month next after Demand shall be made by such Clerk or Surveyor or other Person, the same may be recovered in like Manner as any Penalty incurred by the said *Bristol and Clifton* Gaslight Company may be recovered.

Pipes to be re-laid according to Provisions of Act.

XXXII. Provided always, and be it enacted, That upon any such raising or sinking of the said Pipes, Stopcocks, Plugs, Syphons, Valves, or Branchesas aforesaid the same shall be re-laid, as nearly as Circumstances will permit, in conformity with the Provisions herein-before contained regulating the laying of the Pipes of the *Bristol and Clifton* Gaslight Company with reference to the Position of other Gas or Water Pipes herein-before mentioned or referred to.

In case of wilful Damage in altering Pipes.

XXXIII. Provided always, and be it enacted, That if by the raising or sinking of any of the said Pipes, Stopcocks, Plugs, Syphons, Valves, and Branches any Damage or Injury shall be wilfully or negligently done to the same by the said Commissioners or Trustees, or their respective Servants or Workmen, then and in every such Case such Damage or Injury shall be made good by the Company themselves as soon as Circumstances will permit, and the Costs, Charges, and Expences thereof shall be paid by the said Commissioners or Trustees respectively, as the Case may be, to the said Company, and the same shall be ascertained, settled, and recovered as any Penalty incurred by or against the said *Bristol and Clifton* Gaslight Company may be ascertained, settled, and recovered.

Saving of Rights.

XXXIV. Provided always, and be it enacted, That nothing in this Act contained (save as is herein provided to the contrary) shall alter, lessen, or abridge any Power or Authority given or granted to the Mayor, Aldermen, and Burgesses of the City of *Bristol*, the *Bristol* Dock Company, or to any Commissioners, Trustees, or Body Politic

or Corporate under or by virtue of any Act of Parliament for the Control or Management of the Streets of the said City and Parishes, or for supplying the same with Water or Gas.

Public Act. XXXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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