ANNO SEXTO

GULIELMI IV. REGIS.

Cap. XV.

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. [22d *April* 1836.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late 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 the Company of Proprietors established by virtue of the said Act have raised the Sum of Twenty-five thousand Pounds, and have expended the same for the Purposes of the said Act, and have thereby been enabled to afford and still continue to afford to the Inhabitants of the said City and several of the Parishes in the said Act mentioned a Supply of Gas made from Oil and other Materials than Coal, Coke, or the Residuum of Coal: And whereas the Use of Gas and the Demand for the same within the said City and the Parishes in the said Act mentioned is increasing, and a large Supply of Gas has become requisite for the Accommodation of the Public: And whereas from the fluctuating Prices of Oil and other Materials from which alone by the Provisions of the said Act the said Company are authorized to make Gas, they are unable to furnish the Public therewith at as cheap a Rate as if the said Company were authorized to use Coal as well as other Materials in the Manufacture thereof; and it is therefore expedient that the Restrictions in the said Act which 4 G. 4. c. 102.

which prevent the said Company from using Coal should be repealed, and that the said Company should be authorized to raise a further Sum of Money for the Purposes of the said Undertaking, and that the Provisions in the said Act should in other respects be altered, amended, and enlarged; but the said several Purposes 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 King'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 all the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Forfeitures, Restrictions, Matters, and Things whatsoever contained in the said recited Act (save and except so far as the same are altered, repealed, or varied by this Act,) shall be and they are hereby declared to be in full Force and Effect in as full, ample, and beneficial a Manner to all Intents and Purposes whatsoever as if the same and every Part thereof were repeated and re-enacted in this Act; and the said recited Act, as to the Powers, Provisions, Matters, and Things not repealed or altered, and this Act, shall be construed together as One Act.

Powers of recited Act extended to this Act, except as hereby altered.

II. And be it further enacted, That so much of the said recited Act as prohibits the said Company of Proprietors from producing Inflammable Air or Gas from Coal, Coke, or other Products, or Residuum of Coal, shall be and the same is hereby repealed; and the said Company shall from henceforth be fully authorized and empowered to make or cause to be made or manufactured Inflammable Air or Gas from Coal, Coke, or other Products, or Residuum of Coal, as well as from Oil and any other Materials, and to contract for and sell and dispose of the same, and likewise the Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and other Products, Refuse, or Residuum arising or to be obtained from the Materials used in or for the Manufacture or producing of Gas; and for the Purposes aforesaid the several Powers, Provisions, Directions, Regulations, and Restrictions contained in the said recited Act with respect to the producing Inflammable Air or Gas, and the Matters and Things therein authorized, shall extend and apply to the Manufacture and Sale of Gas produced from Coal, Coke, or other Products, or Residuum of Coal, as fully and effectually to all Intents and Purposes as if such Powers, Provisions, Directions, Regulations, and Restrictions were herein repeated and re-enacted with respect to such last-mentioned Gas.

So much of recited Act as restricts the making Gas from Coal repealed, and the Company empowered to make Gas from Coal.

III. And be it further enacted, That whenever the Water of any Company of Proprietors, or other Owners or Proprietors of Waterworks, or any other Person or Persons, or any Water in any Well or Pond belonging to or used by any Party or Persons whatsoever, shall be contaminated or affected by the Gas of the said Company, or of any Body Politic or Corporate, or any Person or Persons whomsoever, such Company, or Body Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the Body or Party or Person whose Water shall be so contaminated, or the Party or Person using any such Water and

The Company to be liable for and to prevent the Contamination of Water.

and suing for such Penalty; and in case any such Water shall be contaminated or affected by the said Gas in any way whatsoever; then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice in Writing signed by the Clerk or other Officer or any Corporation, or by any Person, whose Water shall be so contaminated or affected, or by any Person or Persons consuming such Water, to be left at the usual Office or Place of transacting Business by the said Company or Body Politic or Corporate, or Person or Persons aforesaid, cause the most proper and effectual Means to be taken effectually to stop and prevent Gas from contaminating or affecting any such Water; and in case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually and wholly and satisfactorily remove the Cause of every such Complaint and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid forfeit and pay to the Treasurer for the Time being or to any One of the Committee for the Time being of any Company of Proprietors of Waterworks, or other Body Politic or Corporate, or to the Owners or Proprietors of any Waterworks, Well, or Pond, or to the Person or Persons consuming any such Water and making such Complaint as aforesaid, for the Use and Benefit of the same Body or Bodies, Owners or Proprietors, or Person or Persons, over and above the before-mentioned Penalty of Twenty Pounds, any Sum not exceeding Ten Pounds for each and every Day during which the said Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath or Affirmation, as the Case may require, of One credible Witness, or of the Person or Persons consuming any such Water and making such Complaint as aforesaid against the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, before any Justice of the Peace acting within his Jurisdiction, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Person complaining, for the Use of the Body or Bodies or Person or Persons whose Water shall be so contaminated, or to the Person or Persons consuming any such Water and making such Complaint as aforesaid.

For ascertaining if the Water be contaminated.

IV. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Company, or Body Politic or Corporate, or Person or Persons manufacturing or furnishing any Gas as aforesaid; be it therefore enacted, That in every such Case it shall be lawful for any Company of Proprietors, or any Owners or Proprietors of any Waterworks, Well, or Pond, or other Person or Persons using or consuming any such Water, to

to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company, or of the said Body Politic or Corporate, or Person or Persons aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or that the said Water has been contaminated by any Escape of Gas of the said Company, or of the said Body Politic or Corporate, or Person or Persons as aforesaid; and if it shall appear that such Water has been contaminated by any Escape of Gas of the said Company, or of any Body Politic or Corporate, or Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Road, Street, Way, Lane, or other public Passage or Place which shall be taken up or destroyed, shall be borne and paid by the said Company, or by the said Body Politic or Corporate, or Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this or the said recited Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Company, or of such Body Politic or Corporate, or Person or Persons as aforesaid, then and in such Case the Person or Persons so digging or searching as aforesaid shall bear and pay all the Expences of such Examination, Repair, and Search, and also shall make good to the said Company, or to such Body Politic or Corporate, or Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company, or of such Body Politic or Corporate, or such Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement or Ground of the said Roads, Streets, Ways, Lanes, or other public Passages or Places so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice or Justices of the Peace as aforesaid, and recoverable in like Manner as any Penalty may be recovered by virtue of this Act or the said recited Act.

Nothing herein to prejudice any Proceedings or Suits by or against the Company.

V. Provided always, and be it further enacted, That nothing herein contained shall in anywise prejudice or affect any Proceeding, Suit, Action, or Prosecution heretofore had, made, instituted, commenced, brought, or taken, or hereafter to be had, made, instituted, commenced, brought, or taken, by or against the said Company, nor any Claim, Demand, Liability, Engagement, Contract, Covenant, Agreement, Matter, or Thing whatsoever heretofore accrued, existing, contracted, entered into, had, made, done, or executed against, by, to, with, or between the said Company and any Person or Persons, Company, Body Corporate or Politic whomsoever; and also that all and every Proceeding to be hereafter had or taken by or against the said Company, either at Law or in Equity, for enforcing or compelling Payment or Fulfilment of any such Claim, Demand, Liability, Engagement, Contract, Covenant, or Agreement, shall have as full and the like Force and Effect to all Intents and Purposes as if this Act had not been passed.

Justices may proceed by Summons in

VI. And be it further enacted, That in all Cases in which by this or the said recited Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the

Justice of the Peace before whom Complaint shall be made for any Offence committed against this or the said recited Act, or against any Bye-Law, Order, or Rule made in pursuance thereof respectively, to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if Information in Writing or in Print had been exhibited.

the Recovery of Penalties.

VII. And to enable the said Company to make Gas from Coal and other Substances, as well as from Oil and other Materials, and to carry into effect the necessary Alterations and Improvements in the said Undertaking, it is expedient that the said Company should be authorized to raise a further Sum of Money; be it therefore further enacted, That it shall be lawful for the said Company to raise, either by Sale of Shares or by Contribution amongst themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, a further or additional Sum of Money not exceeding in the whole the Sum of Ten thousand Pounds over and above the Sum authorized to be raised by the said recited Act; which said further or additional Sum shall be raised either altogether or from Time to Time as the said Company or their Committee of Management for the Time being shall deem most advantageous for the Interests of the said Company.

Power to raise additional Capital not exceeding 10,000*l.*

VIII. And be it further enacted, That in order to raise the said additional Sum of Ten thousand Pounds it shall be lawful for the said Company to create and issue such a Number of Shares in the said Undertaking of the Amount and Value of Twenty-five Pounds each as may be necessary to produce the Capital by this Act authorized to be raised; and such Shares when so created and issued shall be numbered in arithmetical Progression, and every such Share shall always be distinguished by the Number to be applied to the same.

Power to issue new Shares.

IX. And be it further enacted, That the several Persons who shall become possessed of Shares created under the Authority of this Act shall receive a due Proportion of the net Profits and Advantages which shall arise or accrue from or by the Gas Rents and other Sums of Money to be received by the said Company as and when the same shall be divided and paid by the Authority of the said recited Act and this Act, or either of them.

Holders of such Shares to receive a due Proportion of the Profits.

X. And be it further enacted, That so much of the said recited Act as provides and enacts that the Person or Persons who shall have served or acted upon the Committee of the said Company, and who by the Expiration of the Term of Service, Rotation, or otherwise shall go out of Office, shall not be eligible to be re-elected to or to serve or act as a Member or Members of the said Committee to supply any Place or Places in the said Committee then vacant or then become vacant, shall be and the same is hereby declared to be repealed.

Repealing Provision in recited Act as to Ineligibility of Committeemen being re-elected.

For paying the Expences of the Act.

XI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act shall be paid and discharged by the said Company or their Committee of Management in preference to all other Payments whatsoever.

Public Act.

XII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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