CHAP. lxviii.

An Act for more effectually lighting with Gas Buxton and other places in Derbyshire. [20th June 1870.] A.D. 1870.

WHEREAS the Buxton Gas, Coke, and Coal Company was originally constituted and established by a deed of settlement bearing date the twentieth day of March one thousand eight hundred and fifty-one: And whereas the said Company was re-constituted and incorporated with limited liability as "the Buxton Gas, Coke, and Coal Company, Limited," under "The Companies Act, 1862," and by their memorandum of association registered in pursuance of that Act the objects for which the Company were established are declared to be the construction of gasworks for the supply of Buxton and other places in Derbyshire with gas:

And whereas the capital of the Company consists of seven thousand three hundred and ninety pounds, divided into seven hundred and thirty-nine shares of ten pounds each, the greater part of which capital has been already, and the whole thereof will be shortly, fully paid up, and the Company have not borrowed any money on mortgage or bond:

And whereas the Company will be better able to carry on their undertaking if "The Gasworks Clauses Act, 1847," be extended thereto, and if further powers be conferred upon the Company:

And whereas it is expedient that the local board of Buxton should be empowered to purchase the works of the Company, and an agreement, of which a copy is set forth in Schedule (B.) to this Act, has been entered into between the local board and the Company, and it is expedient that the said agreement be confirmed, and that provision be made for the dissolution of the gas company, and for the maintenance of their gasworks by the local board:

And whereas the objects 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

A.D. 1870.

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 for all purposes as "The Buxton Gas Act, 1870."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I., Part II., and Part III. of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act; but the provisions of the said Act of 1847, with respect to the amount of profit to be received by the undertakers, shall not be applicable to the local board of Buxton, if and when the undertaking is vested in them under the powers of this Act: Provided always, that the Company shall not be authorised to purchase or take any lands except by agreement.

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 have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the Limited Company" means the Company as constituted under the said deed of settlement and the before-mentioned Joint Stock Companies Act, prior to the passing of this Act; the expression "the local board" means the local board of Buxton; the expression "the works," or "the gasworks," or "the undertaking," mean respectively and include the gasworks and works connected therewith by this Act vested in the Company, or any gasworks they may provide under the powers of this Act; the expression "the Public Health Acts" includes "The Public Health Act, 1848," and the several Acts passed prior to the year 1858 amending the same, and "The Local Government Act, 1858," and the several Acts subsequently passed amending the same; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or the Acts 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.

Dissolution of Limited Company.

4. The Limited Company is by this Act dissolved, and their memorandum and articles of association shall henceforth be void and of no effect.

Incorporation of Company.

5. 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 and they are hereby united into a company for the purpose of making and supplying gas within the limits of this Act, and for doing all acts necessary for that purpose, and for other the purposes by this Act and the said incorporated Acts authorised; and for the several purposes aforesaid shall be incorporated by the name of the "the Buxton 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.

General powers of the Company.

6. Subject to the provisions of this Act and the Acts incorporated therewith, the Company may make and supply gas within the limits of this Act, and may sell and dispose of coke, coal-tar, and all other products, refuse, or residuum arising, remaining, produced by, or obtained from, the manufacture of gas by them, or the materials used therein, and may sell such articles as can be produced from or by means of the several matters and things aforesaid; and may (but only for the purposes of the Company within the limits of this Act) contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made, or hereafter to be made, granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture and distribution of gas, or of the residual products arising from the manufacture of gas, or otherwise in relation thereto, but not so as to acquire an exclusive right to the working, use, exercise, or putting in practice of any such invention or inventions; 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, and generally carry on the business usually carried on by gas companies, or which is or may become incident thereto: Provided that nothing in this Act contained shall prevent the Company from being liable to an indictment for nuisance, or to any other legal proceeding to which they may be liable in consequence of any such operations.

Nothing to exempt Company from being indicted for a nuisance.

Property of Limited Company invested in Company

7. Subject to the provisions of this Act, all lands, works, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the Limited Company, or any person or persons in trust for them or on their behalf, or to which

A.D. 1870.

incorporated by this Act.

the Limited Company were in anywise entitled at law or in equity, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp posts, 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 passing of this Act were the property of or belonging to the same Company; and all moneys, securities, credits, effects, and other property whatsoever belonging to the Limited Company, or to any trustees on their behalf, for the purposes of such Company, 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 trustees on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for, and recovered by the Company.

Saving previous rights and liabilities.

8. Notwithstanding the incorporation of the Company and the avoidance of their memorandum and articles of association, and 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 shareholders therein in that capacity, shall be as valid as if the Company had not been incorporated and the said deed 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 and 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 in their capacity of shareholders: Provided always, that the generality of this enactment shall not be restricted by any of the other provisions of this Act.

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

9. Except as by this Act otherwise specially provided, all purchases, 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 such Company, by or with any other person to whose rights and liabilities they have succeeded as assigns, 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

10. 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 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, in favour of, or against the Limited Company, or any member 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.

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

11. If any judgment, decree, or order be at any time after the passing 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 Limited Company before the passing 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, and execution thereon issued, against the property, effects, and persons of any person who was a member of the Limited Company immediately before the passing 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 legally responsible in respect of such debt or liability to the same extent as if this Act had not been passed.

Reimbursement of shareholders in such case.

12. 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.

Trustees of Limited Company to be indemnified.

13. 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 duly authorised so to do) entered into any bond, covenant, contract, or engagement in respect

A.D. 1870.

of the same, or otherwise, on behalf of the Limited Company, shall be indemnified and saved harmless out of the property of the Company from and against all liability, loss, costs, charges, and expenses under or by reason of every such bond, covenant, contract, or engagement.

Gas rates, &c. to be recovered.

14. All gas rates, rents, and sums of money which immediately before the passing 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 rates, rents, and sums of money under this Act.

As to payment of debts owing before the passing of this 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, payable, or accruing upon the same, to the Company; and all debts and moneys which immediately before the passing of this Act were due or owing 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 payable or accruing upon the same, by or be recoverable from the Company.

Shareholders to pay calls.

16. Notwithstanding the passing of this Act, the several persons who immediately before the passing of this Act were shareholders in the Limited Company, their heirs, executors, administrators, and assigns respectively, shall pay the amount subscribed by them respectively, or so much thereof as at the time of the passing of this Act had not been paid, with all interest (if any) due or to accrue due thereon to the Company, when and as the same shall be called up or otherwise demanded by the Company.

Certificates, &c. to remain in force.

17. All certificates of shares in the undertaking of the Limited Company (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed with respect to any shares in the Limited Company, shall remain in full force and continue and be available in all respects as if this Act had not passed.

Books, &c. continued in evidence.

18. Notwithstanding the dissolution and avoidance aforesaid, all documents, books, and writings which, if the dissolution and avoidance had not happened, would be receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Officers to continue until removed.

19. 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 have 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.

20. The capital of the Company shall be twenty thousand pounds, whereof seven thousand three hundred and ninety pounds is in this Act called the original capital, and shall be divided into seven hundred and thirty-nine shares of ten pounds each; and twelve thousand six hundred and ten pounds is in this Act called the additional capital, which shall be raised in manner herein-after mentioned.

Appropriation thereof.

21. The original capital shall be appropriated and belong to the several persons and corporations who immediately before the passing of this Act are the registered shareholders in the Limited Company, in the proportion of one share of ten pounds for every then existing share of ten pounds in the capital of the Limited Company as then existing, and in substitution for the said existing shares.

New shares to be subject to the same trusts, &c. as old shares.

22. Every share so appropriated shall be subject and liable to the same trusts, powers, provisoes, declarations, agreements, charges, liens, and encumbrances as immediately before the passing of this Act affected the then existing share in the Limited Company for which it is substituted, and so as to give effect to and not to revoke any testamentary disposition of or affecting such existing share.

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

23. The Company shall call in and cancel the existing certificates of shares in the Limited Company, and issue in lieu thereof certificates of proprietorship under this Act, 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.

Power to raise additional capital by new shares.

24. The Company may from time to time raise the additional capital, or any part thereof, by the creation of new ordinary shares, but no such shares shall be of less amount than ten pounds.

Limit of dividend on

25. On the additional capital to be raised under the powers of this Act the Company shall not, in any year, make out of their

A.D. 1870.

profits any larger dividend than seven pounds in respect of every one hundred pounds actually paid of such capital.

additional capital.

Shares not to issue until one fifth paid up.

26. The Company shall not issue any such new share, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share is paid up in respect thereof.

Calls.

27. 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.

Receipts of guardians, &c. to be sufficient discharge.

28. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of his or her respective guardian or committee shall be a sufficient discharge to the Company for the same.

Power to borrow on mortgage.

29. The Company may from time to time after the passing of this Act borrow or mortgage any sum not exceeding in the whole one thousand and eight hundred pounds, and may also from time to time borrow on mortgage any further sum not exceeding in the whole three thousand pounds, but no part of that further sum shall be borrowed until the whole of the additional share capital of twelve thousand six hundred and ten pounds by this Act authorised is subscribed for, issued, and accepted, and one half of that share capital is paid up, and the Company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such share capital has been subscribed for, 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 in such capital 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 shall be sufficient evidence thereof.

For appointment of receiver.

30. 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 in respect of principal, or principal and interest, 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.

Application of moneys.

31. All moneys raised under this Act by the Company, whether by shares or by borrowing, shall be applied only to the purposes by this Act authorised.

First ordinary meeting.

32. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Quorum of general meetings.

33. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be ten shareholders present, in person or by proxy, holding in the aggregate not less than five hundred pounds in the capital of the Company.

Extraordinary meetings may be convened by shareholders.

34. The number of shareholders who may convene extraordinary meetings of the Company shall not be less than five, holding together not less than five hundred pounds in the capital of the Company.

Number and qualification of directors.

35. The number of directors shall be seven until the first general meeting of the Company, and six afterwards, and the qualification of every director shall be the possession in his own right of not less than one hundred pounds in the capital of the Company.

Power to reduce number of directors.

36. The Company may reduce the number of directors, so that the reduced number be not less than three.

First directors.

37. The persons who at the time of the passing of this Act are directors of the Limited Company shall be the first directors of the Company.

As to retention of office by first directors.

As to future election of directors.

38. The first directors of the Company shall continue in office until the first general 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 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 herein-before contained for reducing the number of directors, elect persons to supply the places of the directors when 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.

A.D. 1870.

Quorum.

39. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three the quorum of a meeting of directors shall be two.

Auditors need not hold shares.

40. The auditors need not hold shares in the Company.

Representation of the Company in cases of bankruptcy, &c.

41. In all proceedings against the estate of any bankrupt, or under any sequestration, 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 Company against such estate were the claim or demand of such person and not of the Company.

Limits of Act.

42. The limits of this Act shall be and include the townships and places of Buxton, Fairfield, Burbage, and Hartington Upper Quarter, all in Derbyshire.

Power to take additional lands by agreement.

43. The Company may from time to time, for the purposes of this Act, purchase by agreement any lands in addition to the lands by this Act vested in them, and may hold the same, not exceeding in the whole at one time five acres.

Power to take easements, &c. by agreement.

44. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Company any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easement, rights, or privileges as aforesaid.

Sale of superfluous lands.

45. The Company may at any time hereafter sell and dispose of any lands which are by this Act vested in them, or which they may hereafter acquire, and which shall not be required for the purposes of the Company, and the provisions of "The Lands Clauses Consolidation Act, 1845," sections 128 to 132 (both sections inclusive), shall apply to any such sale; and the Company may also from time to time sell and dispose of any works, buildings, or erections on any lands belonging to them which shall not be required for the purposes of the Company.

Power to maintain and erect gas-works.

46. On the lands described in the Schedule (A.) to this Act, or any of them, the Company may maintain, and from time to time erect, alter, or enlarge, retorts, gasholders, receivers, meters, apparatus, and works for the manufacture and storing of gas and of coke, and other residual products obtained in the manufacture of gas, and matters producible therefrom, and all proper approaches and conveniences for the purposes of such works, but the Company shall not

manufacture gas or any such residual products aforesaid excepting upon the lands at present occupied by the Company for that purpose, and first described in the said Schedule (A.), and excepting upon the lands secondly described in the said Schedule (A.), and the Company shall not construct any works for the storing of gas except upon the before-mentioned lands within three hundred yards of any dwelling-house, without the previous consent in writing of the respective owners, lessees, and occupiers of every such dwelling-house.

Power to supply gas.

47. Subject to the provisions of this Act, the Company may supply and sell gas for public and private consumption within the limits of this Act, and light, or contract for the lighting, of streets and public buildings within those limits, and sell and dispose of, at the works and elsewhere, coal, coke, tar, and ammoniacal liquor, and other residual products obtained in the manufacture of gas, and matters producible therefrom, but the Company shall not be exempt from liability to indictment, or to any other legal proceeding to which they may be liable in consequence of anything done by them under this Act.

Power to supply gas fittings, &c.

48. The Company may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pipes, pillars, lamp posts, lamps, burners, and other articles and things connected with gasworks, or with the supply of gas for public or private consumption, in such manner as they think proper, and generally may carry on such operations and business as are for the time being usually carried on by gas companies.

As to works affecting the London and North-western Railway Company.

49. Any works to be constructed or executed by the Company, in the exercise of the powers conferred by this Act, across or in any way affecting any railway belonging or in lease to the London and North-western Railway Company, or any of the bridges or works thereof, or any lands or property belonging to or in which that Company is or may be interested, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that Company, and according to plans to be reasonably approved by him, but in all things at the expense of the Company, and so as to cause no injury to any such railway, bridges, works, lands, or property, or interruption to the passage or conduct of 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 that Company in respect of such injury or interruption.

Power to lay pipes against buildings.

50. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or other necessary

A.D. 1870.

apparatus from any main or branch pipe into, through, or against any 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, or discontinue and remove any such pipe, branch, or apparatus.

Limiting price of gas.

51. The price to be charged by the Company for gas supplied to persons who shall burn the same by meter shall not exceed five shillings per one thousand cubic feet to consumers supplied within one mile and a half of the gasworks, measured along the mains of the Company, and six shillings per thousand cubic feet to consumers beyond that distance.

Price for lighting public lamps.

52. The price to be charged by the Company, and to be paid to them by the local board for the gas supplied to the public lamps within the limits of this Act, shall always be calculated and fixed at a price not exceeding the lowest price for the time being charged by the Company to any private consumer within the limits of this Act.

Consumers may be required to consume by meter.

53. Every consumer of gas supplied by the Company shall, on being required by the Company so to do, consume such gas by meter; and every consumer may require the Company to allow him to consume the gas by meter.

Notice to Company of altering meters.

54. Before any person shall connect or disconnect any meter through which any of the Company's gas is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Company of his intention so to do.

Repair of meters.

55. Every consumer of gas supplied by 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 for correctly registering such gas, in default whereof the Company may cease to supply gas through such meters; and the Company shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a customer, 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.

Power to the Company to let meters.

56. 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 the repair of such meter and fittings, and for 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, and such meters and fittings shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the persons in whose possession the same may be.

Power to enter buildings for ascertaining quantities of gas consumed.

57. Any officer appointed by the Company may at all reasonable times enter any building or land lighted with gas supplied by the Company in order to inspect the meters, fittings, and works for the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied, and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Register of gas meter to be primâ facie evidence.

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

Power to remove meters and fittings.

59. The Company may, after forty-eight hours notice in writing, under the hand of the secretary or some other officer of the Company, to the occupier, or if unoccupied, then to the owner and lessee of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the Company are laid or fixed, and through or in which the supply of gas shall, from any cause other than the neglect or default of the Company, be discontinued, enter such land, house, or building between the hours of nine in the morning and four in the afternoon for the purpose of removing and remove such pipes, meters, or fittings, repairing all damages 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 if such person or his address be not known to the Company after due inquiry, then by being affixed on some conspicuous part of such land, house, or building.

Fraudulently injuring meter.

60. Every person who shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any meter or fitting belonging to the Company, or shall fraudulently alter the index to any meter, or shall prevent the index of any meter from duly registering the quantity of gas supplied, shall, without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender, for every such offence forfeit and pay to the Company a sum not exceeding five pounds, and the Company

A.D. 1870.

may in addition thereto recover the amount of any damages by them sustained, and the Company may also discontinue the supply of gas to the person so offending until the injury is remedied and the amount of the damages is paid, and notwithstanding any contract previously existing; and the existence of artificial means for causing such alteration or prevention when such meter shall be under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Recovery of gas rents and cutting off supply in certain cases.

61. If any person supplied with gas by the Company shall neglect to pay the rent due for the same, or if any such person shall offend against any of the provisions of this Act in relation to the supply or use of gas, the Company, notwithstanding any existing contract with such person, and over and above all other remedies, may stop the gas from entering the building or land for the use of which such gas has been supplied, by cutting off the service pipe, until the act complained of be remedied, or by such other means as they shall think fit, and shall have the same powers and remedies for recovering and enforcing payment of the rent due from such person, together with the costs of cutting off the gas and of recovering the rent, as are by this Act provided for the recovering and enforcing payment of gas rents, and such person, notwithstanding such gas shall have been cut off, shall pay for all gas consumed by him up to the time the gas has been so cut off.

Penalty for fraudulently using the gas of the Company.

62. Every person who shall lay or cause to be laid any pipe to communicate with any pipe belonging to the Company without their consent, or shall fraudulently use, or fraudulently or wilfully injure, remove, or destroy any meter or other apparatus belonging to the Company, or who shall waste or improperly use any of the gas supplied by the Company, or who shall supply any other person with any part of the gas supplied to him by the Company, shall forfeit to the Company the sum of five pounds for every such offence, and also the sum of forty shillings for every day such pipe shall so remain, or such apparatus or burner shall be so used, or such excess or waste be so committed or continued, or such supply furnished.

For preventing frauds and waste of gas.

63. If and whenever any person supplied with gas by the Company wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything under this Act which ought to be done for the prevention of the waste, misuse, or undue consumption of the Company's gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains or is not remedied, and also may recover

in any court of competent jurisdiction from every person so offending the amount of all loss, damage, or injury which the Company may sustain by reason of any such thing or failure; and the remedies of the Company under this enactment shall be in addition to their other remedies in that behalf.

Recovery of charges for gas.

64. In case any person who shall have been supplied with gas by the Company, or who shall be liable to payment in respect of a supply of gas under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect of such supply, any justice may issue his summons to such person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid; and if on the appearance of such person, or in default of appearance after proof of the service of the summons either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, any justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the cost of cutting off the gas, if the same shall have been cut off by the Company, as to such justice shall seem just and reasonable.

Contents of warrant.

65. 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.

66. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the cost of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Recovery of sums due to Company.

67. Whenever any person neglects to pay any rent or sum due and payable by him to the Company, the Company may recover the same 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 for the recovery of such rent or sum.

Incoming tenants not liable to pay arrears of gas rent, &c.

68. In case any consumer of the gas of the Company shall leave the premises where such gas has been supplied to him without paying to the Company the gas rent or meter rent due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former

A.D. 1870.

tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Quality of Company's gas.

69. All the gas supplied by the Company shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, 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.

Company to supply gas in certain event at request of owner or occupier.

70. The Company shall, at the request in writing of any owner or occupier of any premises within twenty-five yards of which any main gas pipe of the Company shall be then laid, furnish to him a sufficient supply of gas for such premises, together with a meter, and so much of the service pipe as shall be necessary to communicate between the main pipe of the Company and such meter: Provided that the expense of so much of the service pipe as shall be laid upon private property, or in any other case as shall be laid beyond forty feet in length, shall be defrayed by such owner or occupier; and provided further, that the Company shall not be bound to furnish such supply of gas, or meter, or service pipe, unless such owner or occupier shall enter into a written contract to continue to receive and pay for a supply of gas for a period of at least two years, and to an amount not being less than twenty pounds per centum per annum on the outlay incurred by the Company in providing such service pipe and meter; and if the Company shall by their wilful default fail to supply the gas within a reasonable time after such request, then on proof of such failure the Company shall be subject to a penalty not exceeding five pounds.

Security for payment of rate.

71. 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 such service pipes and meter provided and fixed, or to have a supply of gas, give to them such security for the payment by him of the rate for the gas to be supplied to him 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.

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

Company to maintain meter to test illuminating power of gas.

73. The Company shall always maintain at their works an experimental meter furnished with an argand fifteen-holes burner and a seven-inch chimney, capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas of the Company, and so situate as to test the whole of the gas from time to time supplied by the Company, and the Company shall at all times keep and maintain the experimental meter and apparatus in good repair and working order.

Power for local board to test.

74. Any local board within the limits of this Act, or any person authorised by any such local board in writing, shall, at all reasonable times in the daytime, have access to the testing place, and may test there the illuminating power of the gas supplied by the Company in the presence of an officer of the Company if attending for that purpose, and if not, then in the absence of any such officer; and the Company and their officers shall afford all reasonable facilities and assistance for such testing.

As to testing the quality of gas.

75. Two justices, on the application of any consumers of the gas of the Company, not being less than five in number, by order in writing may appoint some competent person to proceed to the works of the Company, 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 superintendent or other officer of the Company if attending for that purpose, and if not, then in the absence of any such officer, make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus before mentioned, and the Company and their officers shall afford all reasonable facilities and assistance for the making of such experiments.

Penalty if gas below prescribed illuminating power, &c.

76. If it shall be proved to the satisfaction of any two justices, not being 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 by

A.D. 1870.

this Act prescribed, or that the Company or their officers on being thereunto reasonably requested wilfully refused to afford such reasonable facilities as aforesaid, or wilfully 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 under the circumstances of the case.

Cost of experiment to be paid according to events.

77. The costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the cost of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the Company shall be paid, together with such penalty, by the Company, but in the event of no penalty being imposed the costs shall be in the discretion of the justices.

Contracts for supplying gas for public purposes.

78. The Company on the one hand, and any local board of health or local board, or the trustees of any turnpike or other road, or any highway board constituted in pursuance of any Act relating to highways in England, or the surveyors of any highway or any other corporation, bodies, or persons, on the other hand, may from time to time enter into and carry into effect any contract or arrangement 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 from time to time by mutual consent vary, suspend, or rescind any such contract or arrangement, or enter into or carry into effect other contracts or arrangements in lieu thereof, or in addition thereto, and any board, trustees, corporations, bodies, or persons so agreeing may apply for the purposes of any such contract or arrangement, and in payment of any periodical or other remuneration or other consideration payable to the Company under or by virtue thereof, any funds or moneys which they have raised or may raise under the powers of any Act of Parliament.

Penalties not cumulative.

79. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Liability to gas rent not to disqualify judges.

80. No justice or judge of any county court or quarter session shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act.

Company on requisition of local board to sell

81. If at any time within three months after the passing of this Act the local board, by writing under their common seal addressed and sent to the secretary, or delivered at the principal office of the

Company, shall require the Company to sell to them their undertaking, the Company shall sell to the local board, and the board shall purchase of and from the Company, all the undertaking, works, lands, property, powers, rights, privileges, and authorities of the Company, for such price or consideration and upon such terms and conditions as are specified in the agreement set forth in the Schedule (B.) to this Act, which agreement is hereby confirmed.

their undertaking.

82. The arbitrators or umpire shall fix the thirty-first day of December next as the time at which the undertaking shall become vested in the local board, and that date is in this Act referred to as the vesting period.

Vesting period.

83. The local board shall pay to the Company on the thirty-first day of December next the amount fixed by the award of the arbitrators or umpire, together with all costs for which they may be liable to the Company under the award, provided that the said award be made prior to the first day of October next; but if the award be made after that date, then the said purchase money and costs shall be paid to the Company within three months after the making of the award, and in case the said money be not paid on the thirty-first day of December, by reason of the award not being made before the said first day of October, interest after the rate of six per cent. per annum shall be paid by the local board to the Company upon the amount awarded to the Company, such interest to be computed from the said thirty-first day of December to the actual day of payment.

Fixing time for payment of purchase money.

84. On and from the vesting period, and on payment of the purchase money, and upon the execution by the Company of a conveyance under their common seal, and duly stamped, the whole undertaking of the Company, and all their works, mains, and pipes, plant, whether fixed or movable, machinery, apparatus, implements, and other works and conveniences, and all their buildings, lands, estates, property, easements, rights, interests, books, writings, chattels, and effects, choses in action, claims and demands, except as after mentioned, and all their authorities, powers, rights, and privileges, and all other the estate, real and personal, of or belonging to the Company, is and are absolutely transferred to and vested in, and may be used, worked, exercised, or enjoyed by, the local board accordingly.

Undertaking of Company vested in local board.

85. The Company shall pay and discharge all debts owing by them up to the said thirty-first day of December, and shall be entitled to all cash in hand and debts due to them at that date, and to recover such debts.

Company to pay all their debts, and to be entitled to recover debts due to them.

A.D. 1870.

Part V. of 26 & 27 Vict. c. 92. to apply to transfer.

86. Part V. of "The Railways Clauses Act, 1863," relating to amalgamation, is hereby incorporated with this Act, and shall apply to the local board and the Company respectively, and to the undertaking by or under the provisions of this Act transferred to or vested in the local board, as if the Company were by this Act amalgamated with the local board, and the board were the amalgamated Company, and the Company were the dissolved Company, and this Act were the amalgamating Act, and the vesting period were the time of amalgamation; but the powers by this Act vested in the local board shall not comprise any of the powers of the Company with respect to general meetings or directors, or the management of the internal affairs of the Company, or the raising of moneys by shares or by borrowing.

Powers of Company as to management, raising of capital, &c. extinguished.

Company to wind up their affairs.

87. Forthwith after the vesting period 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, or their respective executors, administrators, successors, or assigns.

Receipt of committee of any shareholder to discharge Company.

88. For the purpose of such winding up the receipt of any committee of any shareholder in the Company shall be an effectual discharge to the Company and to the directors thereof for so much of the purchase money or other moneys as in such receipt shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid.

Payment into court by Company.

89. Provided that where the Company are, for twelve months after the period for the distribution of their net moneys, unable, after diligent inquiry to ascertain the person to whom any part thereof ought to be paid, or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same, the Company may pay the same into the Court of Chancery under any Act for the time being in force for the relief of trustees, and every such payment into court shall conclusively discharge the Company from all further liability with respect to the net moneys so paid, and for the purposes of this Act shall be deemed to be a payment thereof to the person absolutely entitled thereto, and any person afterwards showing to the satisfaction of the Court that he is entitled thereto may obtain payment thereof out of court accordingly.

90. The Company, when all their debts and liabilities are fully paid up and satisfied and their affairs are wound up, shall be and are hereby dissolved.

Act to be executed by the local board.

91. On the transfer of the said gasworks to the local board the Public Health Acts shall, in relation to the local board and the powers by this Act conferred upon them, be read and construed as though those powers had been conferred upon the local board by, and the provisions of this Act, with reference to those powers, had been contained in, the said Public Health Acts.

Power to borrow on mortgage.

92. The local board may from time to time, under the authority and for the purposes of this Act, in addition to any moneys they are authorised to borrow under the Public Health Acts, borrow at interest on mortgage of the gasworks, lands, and property, when vested in them, and of the gas rates and of the general district rates leviable by them under the Public Health Acts, or of any such securities, either together or separately, all such sums as they may from time to time think requisite for any of the purposes of this Act, not exceeding in the whole twenty thousand pounds, and after having paid off otherwise than by the sinking fund any moneys so borrowed, may reborrow the amount so paid off, and so toties quoties.

Extending Public Health Act to borrowing powers of local board under this Act.

93. The provisions of the Local Government Act, 1858, with reference to mortgages by the local board, and to the payment off thereof by means of a sinking fund, shall apply to all money borrowed by the local board under this Act.

Local board may enforce payment of arrears by appointment of a receiver.

94. The mortgagees of the local board may enforce payment of the arrears of interest or principal, or principal and interest, due on their respective mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees applying for a receiver shall not be less than three thousand pounds.

Expenses of Act.

95. All the costs, charges, and expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company.

A. D. 1870.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

First. Lands now belonging or claimed to belong to the Limited Company, and on which the gasworks of that Company have been erected in the township of Fairfield in the parish of Hope, and bounded on or towards the north by land belonging to the Midland Railway Company, and partly occupied as a coal depôt, on or towards the south by the river Wye, on or towards the east by Bridge Street, and on or towards the west by the river Wye, and belonging or claimed to belong to Catherina Margaritha Brittlebank and the trustees of the late William Greenwood.

Secondly. Lands situate in the respective townships of Fairfield and Buxton, in the respective parishes of Hope and Bakewell, and bounded as follows: on the north by the coal station or depôt and sidings of the Midland Railway Company; on the south by an imaginary line commencing at a point on the right or southerly bank of the river Wye, situate three hundred feet in a south-westwardly direction from the north-westwardly corner of the cottages in the yard of the gasworks, and measured in a direct line and continuing along such right bank for a distance of one hundred and ten feet, and thence in a direct line to the north-west corner of a certain stable in the occupation of Obadiah Heathcote, and by the said stable, and by an imaginary line from the north-east corner of the said stable to the boundary wall of the gasworks, opposite and south of the said cottages; on the east by the land and gasworks of the Company; and on the west by an imaginary line commencing at a point in the boundary wall of the Midland Railway coal station or depôt four hundred and sixty feet from Bridge Street measured along the said wall, and terminating at the said point on the right or southerly bank of the river Wye, situate three hundred feet in a south-westerly direction from the north-westerly corner of the cottages in the yard of the gasworks, and measured in a direct line.

SCHEDULE (B.)

Whereas the Buxton local board are desirous of purchasing the works, plant, stock in trade, mains, pipes, and undertaking of the Buxton Gas, Coke, and Coal Company (Limited), should parliamentary powers be conferred upon the said local board, and they can obtain the sanction of the Secretary of State

to the borrowing of money for the purpose; and the said Company are willing to sell their said undertaking:

And whereas the said Company are promoting a Bill in Parliament for the re-incorporation of the Company, and for other purposes connected therewith; and the said board have requested the said Company to petition for leave to introduce into their said Bill clauses authorising the sale by the said Company of their said works, plant, stock in trade, mains, pipes, effects, and undertaking to the said board, and the purchase thereof by the said board at a price to be fixed upon and ascertained by arbitration: And whereas the said Company have consented to petition for leave to amend as aforesaid, in consideration of the said board entering into the agreement herein-after contained: Now, therefore, it is hereby mutually agreed by and between the said board and the said Company as follows:

1. That the said Company shall petition for additional provisions, and to amend the said Bill so as to authorise a sale and purchase of the said works and undertaking, such provisions and amendment to be settled by the respective solicitors of the said Company, and the said local board, or their parliamentary agents.

2. That the said board upon the passing of the said Bill shall take all necessary steps to obtain the sanction of the Secretary of State to exercise all borrowing powers exerciseable with such sanction by the said board.

3. That on the passing of the Bill containing the necessary powers, and upon their obtaining the sanction of the Secretary of State for borrowing money for the purpose, the said board agree to purchase and the said Company agree to sell the whole of their undertaking, works, plant, machinery, stock in trade, and effects, as from the 31st day of December 1870, save and except all cash in hand and debts due to the said Company on the said day, the said Company to be entitled to retain all such cash in hand and to collect the said debts for their own use.

4. That the amount to be paid for the said undertaking, works, plant, machinery, stock in trade, and effects shall be fixed by arbitration, in the manner provided by "The Lands Clauses Consolidation Act, 1845," the costs of and incident to such arbitration to be at the discretion of the arbitrators.

5. That the said Company shall continue to be liable for and shall discharge all debts owing by them at the date of such sale as aforesaid, and shall fulfil all obligations incurred by them up to that date.

6. That the said board shall, subject to the provisions aforesaid, pay to the said Company the amount fixed by the award of the arbitrators or umpire within three months after the publication of the award, together with all costs for which they may be liable to the said Company, as awarded by the arbitrators or umpire: Provided that if the said award be published later than the thirtieth day of September next, interest after the rate of six pounds per centum per annum shall be payable by the said board to the said Company upon all moneys awarded to the Company, such interest to be computed from the thirty-first day of December next down to the actual day of payment to the said Company of the moneys awarded, but this proviso is to be construed without prejudice to the said Company's rights and remedies for recovery of all moneys awarded, with interest from the date and at the rate aforesaid, at the expiration of three months from the thirty-first day of December next.

A.D. 1870.

7. That the said board shall not be under any obligation as to the due and proper distribution of the amount to be paid amongst the several shareholders of the said Company.

In witness whereof, the seal of the said local board has been hereto affixed, and the hands of five members hereunto set, this seventh day of February one thousand eight hundred and seventy.

L.S.

Edward S. Darwin.
Isaac Walton.
Charles Raynor.
James Bradbury.
Thomas Flint.

Sealed with the seal of the said local board, and signed by five members thereof, in the presence of

Norman Bennett,
Solicitor,
Chapel-en-le-Frith.

In witness whereof, the common seal of the said Company has been hereunto affixed, and the hands of three directors thereof hereunto set, this fourth day of February one thousand eight hundred and seventy.

L. S.

Sealed with the common seal of the Buxton Gas, Coke, and Coal Company (Limited), by the chairman thereof, and signed by the three directors whose names are hereunto attached in the presence of

John Milligan.
G. F. Barnard.
Samuel Turner.

As directors and on behalf of the said Company.

J. W. Taylor,
Solicitor to the said Company.

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