CHAP. lxxvi.

An Act incorporating and conferring further powers on the Carmarthen Gas Company. [20th June 1870.] A.D. 1870.

WHEREAS since 1822 certain persons associated as a partnership or Company with the name or title of "the Carmarthen Gas Company" (in this Act called the original Company) have been supplying, from works constructed by them, gas to the town and county of the borough of Carmarthen and liberties thereof:

And whereas the clear value of the property of the original Company was on the first day of January one thousand eight hundred and seventy estimated to be upwards of eight thousand pounds:

And whereas the lands held on lease by the original Company for the purposes of their gasworks are set forth in the first schedule to this Act, and the lands held by them in fee are set forth in the second schedule to this Act:

And whereas it is expedient that the original Company should be incorporated and have conferred upon them greater powers for the purpose of more efficiently carrying on their undertaking, and that the limits within which they may supply gas should be defined:

And whereas plans of the lands held on lease, and described in the first schedule to this Act, with books of reference to such plans, have been deposited with the clerks of the peace for the county of Carmarthen and the county of the borough of Carmarthen respectively, and it is expedient that the Company so to be incorporated should have power to acquire the freehold of those lands and to maintain gasworks thereon:

And whereas it is also expedient that the Company should have power to erect additional gasworks on the land now belonging to them, and described in the second schedule to this Act:

And whereas the objects of this Act cannot be attained 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 with

A.D. 1870.

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:

Short title.

1. This Act may for all purposes be cited as "Carmarthen Gas Act, 1870."

Provisions of general Acts herein named incorporated.

2. The "Companies Clauses Consolidation Act, 1845;" Parts I., II., and III. of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869;" "The Lands Clauses Consolidation Act, 1845;" "The Lands Clauses Consolidation Acts Amendment Act, 1860;" and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that the incorporation with this Act of "The Lands Clauses Consolidation Act, 1845," shall not authorise the Company to purchase or acquire any lands other than those described in the first schedule to this Act, except by agreement with the owners, lessees, and occupiers thereof.

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; and in construing this Act and the Acts incorporated herewith, the expression "the special Act" means this Act; the expression "the Company" means the Company incorporated by this Act; the expression "the works," or "the gasworks," or "the undertaking" means the gasworks and works connected therewith by this Act vested in the Company or which they may construct under the powers of this Act; the expression "the local authority" means the town council, corporation, the local board of health, highway board, commissioners, trustees, surveyors, or other bodies or persons intrusted with the control or lighting of the streets within their jurisdiction and within the limits of this Act; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Dissolution of original Company.

4. The original Company is by this Act dissolved, and their deed of constitution is by this Act cancelled and annulled.

Company incorporated.

5. The several persons and corporations who immediately before the passing of this Act were shareholders in the original Company, and all other persons and corporations who from time to time become entitled to shares of the capital of the Company, and their

respective executors, administrators, successors, and assigns, are by this Act united into a Company for making and supplying gas within the limits of this Act, and for other the purposes of this Act, and for those purposes are incorporated by the name of the "Carmarthen 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.

Gasworks, &c. vested in Company.

6. All the undertaking, gasworks, buildings, lands, plant, stock, moneys, credits, property, effects, choses in action, claims, and demands whatsoever, of or to which the original Company were in any way whatsoever immediately before the passing of this Act seised, possessed, or in any way entitled at law or in equity or otherwise howsoever, with their respective rights, members, and appurtenances, are by this Act vested in the Company as their undertaking, gasworks, property, and effects, but subject to all charges and incumbrances thereon, and all debts, liabilities, and engagements of the original Company in respect thereof.

Company to represent original Company.

7. Except only as is by this Act otherwise expressly provided, the Company shall, with respect to their undertaking, gasworks, property, and effects, and all matters connected with the same respectively, represent the original Company, as if the original Company and the Company had been and had continued without intermission to be one and the same body corporate.

General saving of rights.

8. Notwithstanding the dissolution of the original Company and the cancelling and annulling of their deed of constitution, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed by or under the deed of constitution shall be as valid as if the dissolution, cancellation, and annulling had not happened, and the dissolution, cancellation, and annulling, and the operation of this Act, shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed, and to all rights, liabilities, claims, and demands, both present and future, which, if the dissolution, cancellation, and annulling had not happened, would be incident to or consequent on any and every thing so done, suffered, and confirmed, and with respect to everything so done, suffered, and confirmed, and all such rights, liabilities, claims, and demands, the Company shall to all intents and purposes represent the original Company; provided that the generality of this provision shall not be restricted by any of the other provisions of this Act.

Contracts, &c. preserved.

9. All purchases, sales, conveyances, grants, assurances, mortgages, bonds, deeds, securities, contracts with respect to supply

A.D. 1870.

of gas and other contracts before the passing of this Act made or entered into by, to, or with respect to the original Company or any person on their behalf, shall continue and be as effectual to all intents for, against, and with respect to the Company as if the same had been made or executed by, to, or with respect to the Company instead of the original Company, and may be proceeded on and enforced by and against the Company as fully and effectually as if this Act had not passed.

Actions not to abate.

10. No action, suit, prosecution, or other proceeding at law or equity, commenced either by or against the original Company before the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Company, in like manner to all intents and purposes as the same might continue and take effect in favour of or against the original Company if this Act had not been passed, save only that when necessary the Company shall be substituted therein for the original Company.

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

11. If any judgment, decree, or order be at any time after the commencement of this Act obtained against the Company in respect to any debt or liability owing or incurred, or in respect of any contract made or tort committed by the Company before the commencement of this Act, and be not fully satisfied out of the property of the Company, then and in every such case the judgment, decree, or order may be enforced, and execution thereon issued against the property and effects of any person who was a member of the Company immediately before the commencement of this Act, or at the time when the contract was made or the tort was committed in respect of which the debt or liability accrued or was incurred, and 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.

Gas rents to be paid.

13. All gas rates or rents, meter rents, and other charges with respect to a supply of gas which immediately before the passing of this Act were due or payable or accruing or secured to the original Company, shall be payable and paid to and may be collected and

recovered by the Company, in like manner as any gas rates or rents, meter rents, or charges under this Act.

Debts to be paid.

14. All persons who immediately before the passing of this Act owed any money to the original Company or to any person on their behalf shall pay the same with all interest (if any) due and payable or accruing for the same to the Company, and all moneys which immediately before the passing of this Act were owing by or recoverable from the original Company, or for the payment of which they were or but for this Act would be liable, shall be paid with all interest (if any) due and payable or accruing for the same by or be recoverable from the Company.

Books, &c. to be evidence.

15. All documents, books, and writings which if the dissolution, cancellation, and annulling had not happened would be receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Officers continued.

16. All officers of and persons employed by the original Company, and in office immediately before the passing of this Act, shall hold their respective offices and employments, together with the salaries and emoluments thereunto annexed, and be deemed to be officers of or persons employed by the Company, until they shall resign or be removed by the Company, and they and their respective sureties shall be liable as if they respectively had been appointed and had become bound under this Act.

Trustees of the original Company to be indemnified.

17. Every trustee or other person in whom or in whose name any lands, erections, buildings, or property belonging to the original Company were vested immediately before the passing of this Act, and who being duly authorised in that behalf has entered into any bond, covenant, contract, agreement, or engagement in respect of or with reference to such lands, erections, buildings, or property, or any other covenant, contract, agreement, or engagement on behalf of the original Company, either as principal or surety, shall be indemnified and saved harmless out of the funds or property of the Company from all liability, and against all loss, costs, charges, and expenses which he may incur, sustain, or be put unto by reason or in consequence of his having entered into any such bond, covenant, contract, agreement, or engagement.

Capital.

18. The capital of the Company shall be eight thousand pounds, subject to augmentation as herein-after provided, and shall be divided into three hundred and twenty shares of twenty-five pounds each, to be called original shares.

Allotment of original shares.

19. The said original shares shall be allotted as fully paid up rateably to the several persons and corporations who immediately before the passing of this Act were possessed of or entitled to one or

A.D. 1870.

more shares in the original Company, in proportion to the number of their shares in that Company, two original shares being allotted for each existing share; and such original shares shall vest in the said persons and corporations accordingly, and shall be in full of all claims of the shareholders to arrears of dividend.

Shares so allotted to be subject to same trusts, &c.

20. All persons to and in whom any original shares of the Company's capital is by this Act appropriated and vested shall be possessed of and interested in the shares so appropriated and vested upon the same trusts and subject to the same powers, provisions, charges, and liabilities as the trusts, powers, provisions, charges, and liabilities upon and to which their respective share or shares of the capital of the original Company in respect whereof the original shares so appropriated and vested were immediately before the passing of this Act held and subject, and the several original shares so appropriated and vested shall accordingly pass so as to give effect to and not revoke any will or other instrument disposing of or affecting the respective share or shares of the capital of the original Company.

Company to issue certain certificates of shares so vested, &c.

21. The directors shall call in and cancel the existing certificates of shares in the original Company and issue in lieu thereof new certificates in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845;" but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof; and in the meantime the certificates of the shares of the capital of the original Company shall be available for evidencing the ownership of the shares so appropriated and vested.

Power to raise additional capital.

22. In addition to the said capital of eight thousand pounds, the Company may from time to time raise, by the creation of new ordinary or new preference shares, or, at the option of the Company, by both of those modes, such further sum or sums as they may think proper, not exceeding six thousand pounds, in shares of twenty-five pounds each, to be called new shares.

Shares not to issue until one fifth paid up.

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

Calls.

24. 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 four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any new share.

Limit of dividend.

25. The Company shall not in any year make out of their profits any larger dividend on the original shares of the Company than seven pounds ten shillings in respect of every hundred pounds of such capital, nor more than seven pounds in respect of every hundred pounds actually paid on such of the new shares as may be issued as ordinary shares, nor more than six pounds in respect of every hundred pounds actually paid on such of the new shares as may be issued as preference shares.

Receipts of guardians, &c.

26. Where any money is payable to a shareholder being an infant or a lunatic, the receipt of his or her guardian or of the committee of his or her estate (as the case may be) shall be a sufficient discharge to the Company for the same.

Power to borrow on mortgage.

27. The Company may at any time after the passing of this Act borrow on mortgage any sums not exceeding in the whole two thousand pounds, and they may also from time to time borrow on mortgage any further sum not exceeding in the whole one thousand five hundred pounds, but no part of that further sum shall be borrowed until the whole new share capital of six thousand 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 new 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.

Arrears may be enforced by appointment of a receiver.

28. 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 in the whole than one tenth part of the then mortgage debt of the Company.

A.D. 1870.

Debenture stock.

29. The Company may create and issue debenture stock, and may attach thereto a fixed preferential interest not exceeding five pounds per centum per annum.

Application of moneys.

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

First ordinary meeting.

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

Quorum of general meetings.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

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

First directors.

36. Edward Bowen Jones, William Morris, Lewis Morris, George Thomas, John Thomas, William de Grouchy Warren, and George Spurrell shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the provisions in this Act contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office in accordance with the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any 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 that Act.

Election of directors.

Limits of Act.

37. The limits of this Act for the supply of gas by the Company shall comprise and include the county of the borough of Carmarthen and the several parishes of Llangunnor, Newchurch, and Abergwilly in the county of Carmarthen.

Power to acquire freehold of certain lands.

38. Subject to the provisions of this Act the Company may, for the purposes of their undertaking, purchase, take, and hold the lands delineated on the plans and described in the books of reference deposited as aforesaid, and more particularly described in the first schedule to this Act annexed.

Powers for compulsory purchases limited.

39. The powers by this Act granted to the Company for the compulsory purchase of lands shall not be exercised after three years from the passing of this Act.

Power to acquire other lands by agreement.

40. In addition to the lands described in the first schedule and by this Act authorised to be purchased and taken by the Company, and also in addition to the lands described in the second schedule, and by this Act vested in the Company as aforesaid, the Company may purchase by agreement, or take by agreement on lease, and hold any other lands required for the purposes of their undertaking.

Limiting quantity of land to be held.

41. The quantity of land which the Company may hold at any one time for the purposes of their undertaking shall not exceed two acres.

Power to take easements, &c. by agreement.

42. 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 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 easements, rights, or privileges as aforesaid.

Sale of superfluous lands.

43. 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 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.

Streets may be broken up.

44. Subject to the provisions of "The Gasworks Clauses Act, 1847," the Company may from time to time lay down, maintain, repair, alter, take up, renew, and extend the gas mains, pipes, and other apparatus for the supply of gas within the limits of this Act, and break up and interfere with streets, turnpike and other roads, bridges, passages, and places within those limits, or any part thereof, and any sewers, drains, or pipes under the same.

A.D. 1870.

As to mains crossing the works of a railway or other company.

45. If any difference shall arise between the Company and any railway, canal, or other company whose land or works it may be essential for the Company to cross in laying down, repairing, altering, or enlarging their mains or pipes from time to time in any street or road which passes over or under the railway, canal, or other work of any such railway, canal, or other company, for the purposes of meeting the demands for gas within their district, as to the mode of laying down, repairing, altering, or enlarging such mains or pipes, or the facilities to be afforded for the same in such street or road, the same shall (except as herein otherwise provided) be settled by an engineer to be appointed by the Board of Trade at the request of either Company.

Powers to lay pipes against buildings.

46. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up an 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.

Power to maintain gasworks.

47. The Company may maintain, alter, improve, and renew the works for the manufacture and storing of gas on the lands described in the first schedule to this Act, and they may also from time to time make, erect, and maintain additional works for the manufacture and storing of gas on the lands described in the second schedule to this Act, and upon those lands the Company may manufacture gas and the several matters and things producible from the residual products resulting from the manufacture of gas; but nothing in this Act contained shall prevent the Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable in consequence of any such operations.

No gasworks to be erected except on lands in schedule.

48. It shall not be lawful under this Act for the Company to make or maintain any works for the manufacture or storage of gas except on the lands described in the schedules to this Act.

Power to supply gas.

49. Subject to the provisions of this Act and of the Acts incorporated wholly or in part with 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, coke, coal tar, ammoniacal liquor, and other residual products obtained in the manufacture of gas, and matters producible therefrom.

Power to supply gas fittings, &c.

50. 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 the Company think proper, and generally may carry on such operations and business as are for the time being usually carried on by gas companies.

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

51. The Company shall, at the request in writing of any owner or occupier of any house, factory, or premises, or any public body or private company having premises within the limits of this Act, and within twenty yards of which premises any main gas pipe of the Company shall be then laid, furnish to such owner or occupier, public body, or private company a sufficient supply of gas for each house, factory, or 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 sixty feet in length, shall be defrayed by such owner or occupier, public body, or private company; and provided further, that the Company shall not be bound to furnish such supply of gas or meter or service pipes unless such owner or occupier, public body, or private company 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.

52. Any person requesting to have a supply of gas from the Company shall, if and when so required in writing by them, 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 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 them such security for seven days after the same shall have been demanded by the Company.

Justice may determine the nature of security.

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

A.D. 1870.

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

Quality of Company's gas.

54. 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, and the pressure shall not be less at any time, at any point within the limits of the district to be supplied by the Company, than the pressure due to one inch of water.

Company to erect a meter to test quality of gas.

55. The Company shall, within six months from the passing of this Act, cause to be erected an experimental meter fit for testing all the gas provided by the Company, not nearer than five hundred yards to their works, furnished with an argand fifteen-hole burner and a seven-inch chimney, or other approved burner and chimney capable of consuming five cubic feet of gas per hour, with other necessary apparatus so situated or arranged as to test the illuminating power of all the gas supplied to the consumers.

As to testing the quality of gas.

56. It shall be lawful for two justices, on the requisition in writing of any consumers of the gas of the Company, not being less than five in number, by order in writing to appoint some competent person to proceed at all reasonable times, in the presence of the superintendent or other officer of the Company, to 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 experiment, and if it shall be proved to the satisfaction of any two justices, not being directors or shareholders of the Company, after hearing the parties, that the illuminating powers of the gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the Company or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Company

shall forfeit such sum, not exceeding twenty pounds, as the justices shall determine under the circumstances of the case.

Costs of experiment to be paid according to event.

57. The costs of and attending such experiments, including the remuneration to be paid to the person making the same, and the costs 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; but in the event of no penalty being imposed, such costs shall be awarded to be paid by the persons signing the requisition to the Company, and shall be paid or levied accordingly.

Price of gas.

58. The Company may charge for gas consumed by meter any prices not exceeding four shillings and sixpence for every thousand cubic feet consumed, and so in proportion for any smaller quantity.

For the supply of gas to public lamps.

59. The Company shall and they are hereby required, from time to time and at such times as they may be called on so to do by the local authority within the limits of this Act, to supply gas to all public lamps or burners within a distance of fifty yards from any of the mains of the Company, and that may be required for lighting any street or place within the limits of this Act, for such price, upon such terms, and during such hours as shall be settled by agreement between the Company and the local authority: Provided always, that the price per thousand cubic feet shall not exceed the lowest price for the time being charged by the Company to any private consumer; and provided also, that in case any dispute shall arise between the Company and such local authority on any of such matters, the same shall be settled by arbitration under the provisions contained in "The Companies Clauses Consolidation Act, 1845," with respect to settlement of disputes by arbitration: Provided that the gas supplied to the public lamps or burners within the district of the local authority shall and may be consumed either by meter or otherwise, at the option from time to time of the local authority.

Local authority to provide lamp-posts, &c.

60. The local authority shall provide and keep in repair their own public lamp-posts and lamps and apparatus connected therewith, and in case of their electing to burn by meter, light and extinguish the lamps, and defray the expenses thereof.

Company to make map of mains.

61. The Company shall, within one year after the passing of this Act, cause a map to be made of the district in which their mains then lie, on a scale of not less than two feet to a mile, and shall cause to be marked thereon the lines of all their existing mains, and shall, once in every year, correct such map, and make such additions thereto as will show the lines of all their mains.

A.D. 1870.

As to custody and inspection of map.

62. Every map so made by or for the Company, or a copy thereof, with the date of the last time when it was corrected expressed thereon, shall be kept by the Company at their principal office, and shall at all reasonable times be open to the inspection of the local authority and their officers respectively, who may take copies or extracts from the same between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of any working day, and the secretary of the Company may charge and take the sum of one shilling for every inspection of such map, and the further sum of two shillings and sixpence for every extract from or copy taken of such map.

Penalty on Company on default.

63. If the Company wilfully fail to comply with any of the requirements of this Act with respect to the map, they shall for every such offence forfeit a sum not exceeding forty shillings.

Contracts for supplying gas for public purposes.

64. The Company on the one hand, and any corporation, local board of health, or other local authority, 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 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 any other contracts or arrangements in lieu thereof and in addition thereto; and any corporation, board, trustees, 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.

Consumers may be required to consume by meter.

65. Every consumer of gas supplied by the Company shall, on being required by them, consume such gas by meter, to be supplied either by the Company or (if so agreed) by the consumer, and in that case to be approved by the Company.

Power to Company to let meters.

66. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to repair of such meter and fittings and 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 gas rents due to the

Company, and such meters and fittings shall not be subject to distress for rent of the premises where the same are used, or to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy, against the persons having possession thereof.

Power to remove meters and fittings.

67. The Company, 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 there is no occupier, then to the owner or lessee of any building or lands in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of gas is from any cause, other than the default of the Company, discontinued, may enter such building or lands between the hours of nine in the morning and four in the afternoon (or at any other time with the authority in writing of a justice), for the purpose of removing and may remove every such pipe, meter, and fitting, 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 business in England, or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Notice to Company of putting up meters, &c.

68. Before any person connects or disconnects any meter through which any of the gas of the Company 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 to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

69. Every consumer of gas of the Company shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the Company is registered, in proper order 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 consumer, such taking off, removal, testing, and 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.

Register of meter to be primâ facie evidence.

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

A.D. 1870.

Fraudulently injuring meters, &c.

71. If any person wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fitting belonging to the Company, or fraudulently alters the index to any meter, or fraudulently prevents any such index from duly registering the quantity of gas supplied, he 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 be liable to a penalty not exceeding five pounds; and the Company may, in addition thereto, recover the amount of any damages sustained by them, 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 are paid, notwithstanding any contract previously existing; and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such meter.

Company's officers to enter buildings.

72. The Company's agent or other officer duly appointed for the purpose by the Company may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with gas by the Company, in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of gas, and to see whether the meters, pipes, fittings, or other apparatus provided be in good repair; and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Company may remove pipes from unoccupied premises on giving notice to owner.

73. In all cases in which the Company are by "The Gasworks Clauses Act, 1847," incorporated with this Act, authorised to cut off and take away the supply of gas from any house, building, or premises, then if such house, building, or premises be unoccupied, the Company, their agents, servants, or workmen, after giving forty-eight hours previous notice in writing to the owner by serving the notice on him, or by letter under the hand of the secretary of the Company sent by post addressed to such owner, or if the owner or his address be not known to the Company after due inquiry, by fixing such notice for three days on some conspicuous part of the house, building, or premises, may enter into such building and premises between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, or fittings, or other works the property of the Company, making compensation to such owner for the damage (if any) which may be occasioned to him thereby.

For preventing frauds and waste of gas.

74. If and whenever any person supplied with gas under this Act 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 which under this Act ought to be done for the prevention of waste, misuse, or undue consumption of gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and may cease to supply him with gas as 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 damage sustained by them by reason thereof; and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Recovery of sums due.

75. If any person fails on demand to pay any gas rent, meter rent, rate, damages, costs, expenses, or other sum due to or recoverable by the Company under this Act, or any Act incorporated wholly or in part with this Act, the Company may recover the same by proceedings in any court of competent jurisdiction, or if the amount thereof is not bonâ fide disputed, the same may be levied by distress (the person in default being first duly summoned), and any justice may issue his warrant accordingly; and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent, rate, damages, costs, expenses, or other sum.

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

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

Debts, &c. may be recovered by distress.

77. 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, or for the sale, hire, or fixing of meters, burners, pipes, lamps, fittings, or other things, or for the repairs thereof, under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect thereof for the space of fourteen days after demand thereof by the Company, their agent or collector, it shall be lawful for any justice to 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 the proof of the service of the summons, either

A.D. 1870.

personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, it shall be lawful for any justice to 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 costs 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.

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

78. A justice or a judge of any court shall not (except as in this Act expressly provided) be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, meter rent, rate, or charge under this Act, or of his being a shareholder of the Company.

Contents of summons, &c.

79. Any 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.

Costs of distress.

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

Penalties not cumulative.

81. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Expenses of Act.

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

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

1st. Land in the parish of Saint Peter, in the county of the borough of Carmarthen, occupied by the Carmarthen Gas Company's gasworks and other apparatus and buildings, and land used in connexion therewith, bounded on the east by the field called Park Hill, and on the west, north, and south by the road leading from the Pothouse to Lammas Street.

2nd. The piece of ground situate in the said parish of Saint Peter, in the occupation of the said Company, bounded on the south by the River Towy, on the north by the said road leading from the Pothouse to Lammas Street, on the east by land belonging or reputed to belong to Earl Cawdor, and on the west by the land belonging or reputed to belong to the said Company described in the second schedule.

SECOND SCHEDULE.

Land belonging or reputed to belong to the Carmarthen Gas Company, and partly occupied by a gas-holder, and other buildings belonging or reputed to belong to them, in the Lower Franchise of the said parish of Saint Peter; which land is bounded on the south by the River Towy, on the north by the Brick Yard Lane and a small piece of ground belonging or reputed to belong to the corporation of Carmarthen, on the west by the brick-yard belonging or reputed to belong to John and Thomas Mills, and on the east by the wall running from and along Lone-y-morfa and the Gas Quay to the River Towy.

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