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Cap. xxx.

An Act to confer further Powers on the *Cheltenham* Gaslight and Coke Company. [23d *June* 1856.]

WHEREAS by the Local and Personal Act of the Fifty-ninth Year of *George* the Third, Chapter 17, the *Cheltenham* Gaslight and Coke Company, (herein-after called "the Company,") was incorporated for the Purpose of lighting the Town and Parish of *Cheltenham* and the Liberties, Limits, and Precincts thereof with inflammable Air or Gas: And it was enacted that their original Capital should be Fifteen thousand Pounds, divided into Three hundred Shares of Fifty Pounds each (herein-after called "original Shares"); but with Power to raise any further Sum not exceeding Ten thousand Pounds by Contribution among themselves, in such Shares and Proportions as to them should seem meet, or by the Admission of new Subscribers, but no Power of borrowing Money was given by that Act, nor was any Limit thereby imposed on the Amount either of the Dividends of the Company or of the Charges to be made by them for the Supply of Gas, except as regards the Supply of the public Lamps, in respect of which a Limit of Charge was provided for during a Period of Eight Years, which has long since expired: And whereas the Company accordingly raised the further Sum of Ten thousand Pounds by the Creation of the following new Shares in their Undertaking; (that is to say,) Three hundred

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new Shares of the Amount of Twelve Pounds and Ten Shillings each, Three hundred and forty-one new Shares of the Amount of Sixteen Pounds Thirteen Shillings and Fourpence each, and One hundred and thirty-six new Shares of the Amount of Four Pounds Three Shillings and Fourpence each, and all the before-mentioned Shares are fully paid up, and the said Sums of Fifteen thousand Pounds and Ten thousand Pounds have been expended by the Company upon their Undertaking: And whereas the Company are indebted to their Bankers in the Sum of Three thousand eight hundred and twenty-three Pounds Fourteen Shillings and Ninepence, advanced by them and expended by the Company for the Purposes of their Undertaking: And whereas, since the passing of the recited Act, the Population of the said Town and Parish, Liberties, Limits, and Precincts, the Number of Houses and other Buildings therein, and the Demand for Gas therein, have greatly increased and are still increasing: And whereas it is expedient that the Company should be enabled to extend their Supply of Gas to the Parishes of *Leckhampton*, *Prestbury*, *Charlton Kings*, and *Swindon*, all in the County of *Gloucester*: And whereas it is expedient that the existing Share Capital of the Company should be converted into Stock, and that the Company should be empowered to raise further Money for the Purpose of extending and increasing their Supply of Gas, and paying off the Sum so due to their Bankers as aforesaid: And whereas, in order to avoid Inconveniences arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the recited Act should be repealed, and some of the Powers and Provisions thereof re-enacted or amended and continued by this Act: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and 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.

I. This Act may be cited for any Purpose as "The *Cheltenham* Gas Act, 1856."

Provisions of 8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 15. incorporated with this Act.

II. "The Companies Clauses Consolidation Act, 1845," (except the Sections of that Act numbered 83 and 88, relating to the Election and Rotation of Directors,) "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall be incorporated with this Act; and in construing those Acts respectively in connexion with this Act, the Expression "the Special Act" shall mean this Act; the Expressions "the Company" and "the Undertakers" respectively shall mean the Company incorporated by the recited Act and continued by this Act; the Word "Share" and the Word "Shares" shall respectively include Stock; and the Expressions "the Undertaking"

Construction of certain Terms.

taking" and "the Gasworks" respectively shall include all the Works of the Company executed and to be executed, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction: Provided always, that nothing in "The Lands Clauses Consolidation Act, 1845," contained shall authorize the Company to purchase, take, or use any Land otherwise than by Agreement with the Owners, Lessees, and Occupiers thereof.

Same Meanings to certain Words in this Act as in incorporated Acts.

III. Except as in this Act otherwise provided, the several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall in this Act have the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Limits of Act.

IV. The Limits of this Act shall comprise and include the whole Parish of *Cheltenham*, and the Parishes of *Leckhampton*, *Prestbury*, *Charlton Kings*, and *Swindon*, all in the County of *Gloucester*, and within the Limits of this Act the Company may supply Gas for public and private Purposes.

Commencement of Act and Repeal of recited Act.

V. This Act shall commence and take effect on and from the First Day of *October* next after the passing thereof, and on and from the Commencement but subject to the Provisions of this Act the said recited Act of the Fifty-ninth Year of *George* the Third, Chapter 17, shall be and is hereby repealed.

Company to continue incorporated.

VI. Notwithstanding the Repeal of the recited Act, the Company shall for the Purposes of this Act, and as from the passing of the repealed Act, be and continue incorporated by the Name of "The *Cheltenham* Gaslight and Coke Company," and by that Name shall be and continue One Body Corporate, with perpetual Succession and a Common Seal, and with Power to make and maintain Gasworks, and to supply Gas or inflammable Air, and to carry on the Business of a Gas Company, and to purchase, hold, and dispose of Lands and other Property for those Purposes, but subject to the Restrictions of this Act.

Company to be liable in all respects as if Act not passed.

VII. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the repealed Act shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened and this Act were not passed would be incident to and consequent on any

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and everything so done and suffered respectively; and with respect to all such Rights, Liabilities, Claims, and Demands the Company as by this Act continued shall represent the Company incorporated by the repealed Act: Provided always, that the Generality of the Provisions contained in this Enactment shall not be confined or restricted by any special Provision to the same or partially to the same Effect contained in this Act.

Company to remain entitled to their Property.

VIII. Notwithstanding the Repeal of the recited Act, all the Gas Works, Retorts, Mains, Pipes, Lamps, Lamp Posts, Fittings, Meters, Apparatus, and other Works and Conveniences, Lands, Buildings, Monies, Securities, Property, Books, Deeds, Writings, Maps, Plans, Choses in Action, Effects, Claims, and Demands whatsoever, of or to which the Company or any Persons in trust for them was or were by virtue of the repealed Act, or otherwise howsoever, immediately before the Commencement of this Act, seized, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, shall be and remain vested in the Company to the same Extent and for the same Estate and Interest as the same were immediately before the Commencement of this Act vested in the Company, or any Persons in trust for them; and the Company may, according to the Provisions of this Act, maintain and use, alter, discontinue, or remove such Gasworks, Retorts, Mains, Pipes, Lamps, Lamp Posts, Fittings, Meters, Apparatus, Works, and Conveniences.

Company to be entitled to Powers, &c. under other Acts.

IX. Nothwithstanding the Repeal of the recited Act, the several Clauses and Provisions whatsoever in favour of, relating to, or affecting the *Cheltenham* Gaslight and Coke Company, or the Committee, Officers, or Servants of the Company, contained in any other Act or Acts besides the repealed Act, and which were immediately before the Commencement of this Act in force, shall be and continue in full Force accordingly; and the Company and their Directors, Officers, and Servants may and shall accordingly, and for the Purposes of this Act be entitled to and have, exercise, enjoy, and be subject to, under and by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges, Obligations, Restrictions, and Liabilities whatsoever, as if the recited Act were not repealed the Company and their Committee, Officers, and Servants, under or by virtue of those Clauses and Provisions, might be entitled to or might have, exercise, enjoy, or be subject to, and so far as such Clauses and Provisions respectively before the Commencement of this Act applied to the Committee of Management, they shall thereafter apply to the Directors of the Company.

Conveyances, &c. to remain in force.

X. Notwithstanding the Repeal of the recited Act, all Purchases, Sales, Conveyances, Admittances, Surrenders, Confirmations, Covenants, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other

other Acts, Deeds, and Things before the Commencement of this Act done, entered into, executed, or instituted under or by virtue or with reference to the Purposes of the repealed Act, shall be as good, valid, and effectual to all Intents and Purposes whatsoever for, against, and with reference to the Company as if that Act had not been repealed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

XI. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the Commencement of this Act shall not abate or be discontinued or be 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 in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the repealed Act committed before the Commencement of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if that Act had not been repealed.

Gas Rates due at Commencement of Act to be recoverable by the Company.

XII. Notwithstanding the Repeal of the recited Act, all Gas Rates and Rents which immediately before the Commencement of this Act were due and payable or accruing to the Company shall be payable to and may be collected and recovered by the Company in like Manner as the Gas Rates and Rents under this Act.

Debts due to and by the Company to be paid to and by them.

XIII. Notwithstanding the Repeal of the recited Act, all Persons who immediately before the Commencement of this Act owed any Money to the 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 Debts and Monies which immediately before the Commencement of this Act were due or owing by or recoverable from the Company, or for the Payment of which the Company are 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.

Byelaws, &c. to remain in force.

XIV. Notwithstanding the Repeal of the recited Act, all Byelaws, Resolutions, Orders, Notices, and Proceedings of the Company, and the Committee thereof, made and taken before the Commencement of this Act, and all Books, Accounts, Documents, and Writings whatsoever of or relating to the Company, shall for the Purposes of this Act continue of full Force and Effect as if the recited Act had not been repealed, and those Byelaws may be enforced, and all Penalties thereunder may be recovered accordingly: Provided always, that those Byelaws shall not be in force after the Expiration of Six Calendar Months from the Commencement of this Act.

Books to be Evidence.

XV. Notwithstanding the Repeal of the recited Act, all Books, Certificates, Writings, and Documents by that Act directed or authorized to be kept or made, and which if this Act were not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Sales of Shares, &c. to remain in force.

XVI. Notwithstanding the Repeal of the recited Act, all Sales, Transfers, and Dispositions and Contracts for Sales and Transfers heretofore made and executed under the repealed Act of or with respect to any Shares in the Company shall remain in full Force, and continue and be available in all respects as if that Act had not been repealed.

Officers to continue.

XVII. Notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the Authority of that Act shall hold and enjoy his Office and Employment with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company until he be removed from such Office and Employment, and shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties in all respects whatsoever as if he were appointed under this Act.

Capital of Company.

XVIII. The Capital of the Company shall be Seventy-five thousand Pounds, and of that Amount Twenty-five thousand Pounds shall be Capital Stock, and the Residue shall be Share Capital.

Appropriation of Stock.

XIX. The said Capital Stock shall belong and be appropriated to the several Persons and Corporations who immediately before the Commencement of this Act were Holders of Shares in the Capital of the Company, in proportion to their respective Shares and Interests in the Capital of the Company immediately before the Commencement of this Act.

Sections 62, 63, and 64 of 8 & 9 Vict. c. 16. to apply to Stock hereby created.

XX. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," numbered LXII., LXIII., and LXIV., relating to the Consolidation of Shares into Stock, shall apply to the Capital Stock hereby created in the same Manner as if the same had been created under that Act.

Stock, &c. to be subject to same Trusts as Shares.

XXI. Every Portion of Capital Stock so appropriated shall vest in the Person entitled thereto, subject to the Trusts, Provisions, Contracts, and Liabilities which immediately before the Commencement of this Act affected the Share for which the same is substituted, and so as to give effect to and not to revoke any Will or Testamentary Disposition of or affecting such Share.

XXII. The

As to Certificates of Stock.

XXII. The Company shall not be bound to deliver to any Shareholder any Certificate of the Proprietorship of any Stock, unless and until such Shareholder shall have delivered to the Company to be cancelled the Certificate of the Proprietorship of the Share for which such Stock is substituted, or shall have proved to their reasonable Satisfaction the Loss or Destruction thereof.

Power to raise Money by Creation of new Shares.

XXIII. Subject to the Provisions of this Act, the Company may from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any Special Meeting of the Company convened for that Purpose, raise by the Creation and Issue of new Shares the whole or such Part of the rest of the Capital of Seventy-five thousand Pounds as for the Time being shall not be raised, and may from Time to Time (subject to the Provisions of this Act) fix, as they think fit, the Amounts and Times of Payment of the Calls on such new Shares.

Regulating Amount and Disposition of new Shares.

XXIV. The new Shares so to be created shall be of such Amount and be disposed of in such Manner as is provided by the Clauses of "The Companies Clauses Consolidation Act, 1845," with respect to the Conversion of the borrowed Money into Capital, in regard to the new Shares in those Clauses mentioned, and every Offer of new Shares made under the Provisions of those Clauses and of this Act, by Letter sent by Post, shall be considered as made on the Day on which such Letter in the ordinary Course of Delivery ought to reach the Person to whom it is addressed.

Power to cancel unissued Shares.

XXV. If after having created any new Shares the Company determine not to issue the whole of such new Shares, they may cancel the unissued new Shares, and may from Time to Time thereafter create and issue in lieu thereof other new Shares of an aggregate Amount not exceeding that of the new Shares so cancelled, and may from Time to Time dispose of such new Shares in such Manner, to such Persons, and on such Terms as the Company may think fit.

Dividends on new Shares.

XXVI. Every Person or Corporation who becomes entitled to any new Shares shall in respect of the same be a Shareholder in the Company, and shall be entitled to a Dividend with the other Proprietors proportioned to the whole Amount for the Time being paid up on such Share, but subject to the Limitation of Dividends in this Act contained.

Receipt for disqualified Persons.

XXVII. If any Money be payable to a Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

XXVIII. No

Calls on new Shares.

XXVIII. No One Call to be made upon or in respect of any new Share created under the Powers of this Act shall exceed One Fourth of the Amount or nominal Value of such Share; and the Interval between successive Calls shall be not less than Two Months, and not more than Three Fourths of the nominal Amount of a Share shall be called up in any One Year.

Distinctive Names of Stock.

XXIX. In the Books of the Company, and in all Certificates of Proprietorship issued by the Company, the Capital Stock into which the existing Shares of the Company are by this Act converted, and all aliquot Parts thereof, shall be distinguished as "*Cheltenham* Gas Original Stock," and all other Capital Stock (if any) hereafter created by the Company, and all aliquot Parts thereof, shall be distinguished as "*Cheltenham* Gas New Stock."

Limit of Dividends.

XXX. With reference to the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profits to be received by the Undertakers when the Gasworks are carried on for their Benefit, the prescribed Rate of Profits to be divided amongst the Undertakers in any One Year shall not exceed Ten Pounds in the Hundred on the Capital Stock of Twenty-five thousand Pounds into which the existing Share Capital of the Company is by this Act converted, and Seven Pounds Ten Shillings in the Hundred on all Capital of the Company for the Time being paid up on the new Shares to be created under the Authority of this Act,

For Discharge of Banker's Advances.

XXXI. Out of the First Monies raised by them under the Powers of this Act the Company, after paying the Expenses of this Act, shall pay off the said Sum of Three thousand eight hundred and twenty-three Pounds Fourteen Shillings and Ninepence so due to their Bankers as aforesaid, or such Part thereof as shall then remain due.

Power for Company to borrow a certain Sum forthwith.

XXXII. And whereas the whole of the Capital by the recited Act authorized to be raised has been long since subscribed for and fully paid up, but the Company have not borrowed any Money on Mortgage or Bond: Therefore the Company may at any Time, and from Time to Time after the Commencement of this Act, borrow on Mortgage or Bond any Sum not exceeding in the whole (until the whole of the said additional Capital shall have been subscribed for and One Half thereof paid up) Five thousand Pounds,

Power to borrow further Money on Mortgage or Bond.

XXXIII. When the whole of the additional Capital of Fifty thousand Pounds by this Act authorized to be raised shall have been subscribed for, and One Half thereof shall have been paid up, the Company may from Time to Time borrow on Mortgage or Bond any further Sums of Money not exceeding in the whole, together with the Sums previously borrowed by them under the Powers of this Act,

and

and then remaining due, the Sum of Seventeen thousand five hundred Pounds.

Application of Money.

XXXIV. All Money to be raised under the Provisions of this Act, whether by means of Shares or by Exercise of the Powers of borrowing, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Periods for General Meetings.

XXXV. The First General Meeting of the Shareholders of the Company shall be held in the Month of *December* next after the Commencement of this Act, and the future General Meetings shall be held in the Months of *June* and *December* in each Year.

Periods for balancing Books, &c.

XXXVI. The Period at which the Books of the Company shall be balanced shall be Fourteen Days at least before the Ordinary Meeting in the Month of *June* in each Year, and the Balance Sheet to be produced at the Ordinary Meeting in the Month of *June* next after the Commencement of this Act shall extend to the Transactions of the Company in the Interval between the Commencement of this Act and the First Day of *April* next after the Commencement of this Act, and every subsequent Balance Sheet shall extend to the Transactions of the Company in the whole Year preceding the First Day of *April* then last past, and the Balance Sheet shall be audited, examined, and signed previously to the Ordinary Meeting in the Month of *June* in each Year.

Inspection of Accounts, &c.

XXXVII. The Period at which the Books so balanced and the said Balance Sheet shall be open for the Inspection of Shareholders, and during which the Book-keeper shall permit the Shareholders to inspect the Books of Accounts and to take Copies or Extracts therefrom, shall be Fourteen Days before and One Month after the Ordinary Meeting in the Month of *June* in each Year.

Scale of Votes.

XXXVIII. At all General Meetings of the Company the Shareholders shall be entitled to vote according to the following Scale; (that is to say,)

Every Holder of Stock or paid-up Capital, or both, of an aggregate Amount of Fifty Pounds, and not exceeding One hundred Pounds, shall have One Vote:

Every Holder of Stock or paid-up Capital, or both, of an aggregate Amount exceeding One hundred Pounds, and not exceeding Three hundred Pounds, shall have Two Votes:

Every Holder of Stock or paid-up Capital, or both, of an aggregate Amount exceeding Three hundred Pounds, and not exceeding Five hundred Pounds, shall have Three Votes:

Every Holder of Stock or paid-up Capital, or both, of an aggregate Amount exceeding Five hundred Pounds, and not exceeding One thousand Pounds, shall have Four Votes;

Every Holder of Stock or paid-up Capital, or both, of an aggregate Amount exceeding One thousand Pounds, and not exceeding Two thousand Pounds, shall have Five Votes:

Every Holder of Stock or paid-up Capital, or both, of an aggregate Amount exceeding Two thousand Pounds shall have Six Votes.

Number of Directors.

XXXIX. The Number of the Directors shall be Seven; and the Qualification of a Director shall be the Possession in his own Right of Stock or paid-up Capital of the Company of the aggregate Amount of Two hundred Pounds.

First Directors.

XL. The Persons who at the Time of the Commencement of this Act are the Committee of Management of the Company shall be the First Directors of the Company.

Election, &c. of Directors.

XLI. All the First Directors of the Company shall retire from Office at the First Ordinary Meeting in the Year One thousand eight hundred and fifty-seven, and at the First Ordinary Meeting in that Year and in every succeeding Year the Shareholders present personally or by Proxy shall elect a new Body of Directors, the retiring Directors being eligible for Re-election immediately or at any future Time, and the several Persons elected Directors at any such Meeting, being neither removed, disqualified, dead, nor incompetent, and not having resigned, shall continue to be Directors until others are elected in their Stead.

Power to purchase Lands.

XLII. The Company may by Agreement with the Owners thereof, but not otherwise, purchase, take, and hold the Lands specified in the Schedule to this Act.

Power to make and maintain Works and supply Gas, &c.

XLIII. The Company may from Time to Time maintain, alter, and discontinue their now existing Gasworks, and (subject to the Restrictions herein-after contained) may make, erect, lay down, provide, and maintain additional and other Gasworks, and also Retorts, Gasometers, Receivers, Drains, Sewers, Mains, Pipes, Machinery, and other Works and Apparatus, Houses, Buildings, and Approaches, and may do all such Acts as they think proper for making and storing Gas or inflammable Air, and for supplying Gas or inflammable Air within the Limits of this Act, and may make, store, and supply Gas or inflammable Air accordingly, and may manufacture Coke, Oil, Tar, Pitch, Asphaltum, ammoniacal Liquor, essential Oil, and all other Products and Residuum of any Articles employed in or resulting from the Manufacture of Gas or inflammable Air, and may sell the Gas or inflammable Air, and the Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, essential Oil, and other Products and Residuum of such Manufacture as they from Time to Time think fit.

XLIV. Pro-

Restricting Erection of future Works.

XLIV. Provided always, That nothing in this Act contained shall authorize the Company to erect any Works for the Manufacture of Gas elsewhere than on the Lands specified in the Schedule to this Act and the Lands now occupied by the Company for the Purposes of their Works.

Power to place Pipes to light Buildings.

XLV. The Company, with the Consent of the Owner and Occupier of any Building, may lay or fix any Pipe, Branch, Lamp, or other necessary Apparatus from any Main or Branch Pipe into, through, or against such Building; and may, with the like Consent, provide and set up any Apparatus necessary for securing to such Building or Lamp a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply, and may from Time to Time repair, replace, alter, or discontinue and remove any such Pipe, Branch, or Apparatus.

For preventing fraudulent Consumption, &c.

XLVI. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Company, and every Person who shall knowingly and wilfully prevent any Meter supplied or approved by the Company from duly registering the Quantity of Gas supplied, shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds, and the Existence of artificial Means for causing such Prevention, where such Meter shall be in the Custody or under the Control of the Consumer, shall be *primâ facie* Evidence that the same has been knowingly and wilfully caused by the Consumer using such Meter; and the Company may also recover the Amount of any Damages sustained by them by reason of such Offence, and may cut off or discontinue the Supply of Gas to or for the Use of the Person offending, notwithstanding any Contract previously made with him.

Limit of Price of Gas.

XLVII. The maximum Price at which Gas shall be sold by the Company to all Persons who shall burn the same by Meter shall not exceed, for Gas supplied within the Parish of *Cheltenham* for private Consumption, Five Shillings *per* Thousand Cubic Feet, and for Gas supplied without that Parish, Six Shillings and Sixpence *per* Thousand Cubic Feet; and the maximum Price at which, after any existing Contract, Gas shall be sold to the *Cheltenham* Improvement Commissioners, shall be Four Shillings *per* One thousand Cubic Feet; and the Time of Payment for the Gas to be so sold to the private Consumers shall be the Company's usual quarterly Rent Day next following the Consumption thereof.

For Supply of Gas within Twenty-five Yards of Mains.

XLVIII. The Company shall, unless hindered or prevented as herein mentioned, within Fourteen Days after the Request in Writing of any Owner or Occupier, being a Tenant for not less than a Year of any House, Building, or Premises, or of any public Body or private Company having a House, Building, or Premises within Twenty-five Yards of any Main of the Company, lay down a sufficient

Pipe

Pipe from such Main over any intervening Street or Road to or towards such House, Building, or Premises; and such Owner or Occupier or public Body or private Company having laid down and set up a sufficient connecting Pipe, Burner, and Apparatus, including a sufficient Meter, to the reasonable Satisfaction of the Company, the Company shall thereupon furnish to such Owner or Occupier, public Body or private Company, a sufficient Supply of Gas (not being a greater Supply than that required for a Sixty-light Meter, or a less Supply than that required for a Five-light Meter, One Light being for this Purpose deemed to consume Five Cubic Feet of Gas *per* Hour,) for private Consumption for such House, Building, or Premises, at a Rate not exceeding the Rate by this Act limited; and if the Company fail to lay such Pipe or supply such Gas to any such Owner or Occupier, public Body or private Company, within the Period aforesaid, and not being hindered or prevented by any Cause which the Company using due Care and Diligence could not control, then and in every such Case, on Proof before any Two Justices of such Failure, the Company shall forfeit such Sum not exceeding Five Pounds as the Justices think fit.

Extension of Mains when required by Commissioners.

XLIX. The Company shall carry their Mains into or through any present or future Streets within the Borough of *Cheltenham* not already lighted with Gas, for the Purpose of lighting the same with Gas, which the *Cheltenham* Improvement Commissioners from Time to Time, by Writing addressed to the Secretary of the Company, require the Company to light: Provided always, that in every such Case Lamps shall be placed and supplied with Gas at a Rate not exceeding the Rate in this Act limited, at Distances not exceeding on the average Fifty Yards from each other, along every Extension of the Company's Mains so required.

Provision for the public lighting of the Borough.

L. The Company shall, when required by the *Cheltenham* Improvement Commissioners, furnish an adequate Supply of Gas for lighting in a proper and effectual Manner all such of the present and future Streets within the Borough of *Cheltenham* as the said Commissioners shall by Notice in Writing from Time to Time require to be lighted with Gas, and for that Purpose supply with Gas, at a Rate not exceeding the Rate by this Act limited, all the public Lamps within the said Borough for the Time being, for such Number of Hours, and with such Quantity of Gas, as the said Commissioners shall from Time to Time direct, the Company not being hindered or prevented by any Cause which they, using due Care and Diligence, could not control.

Company to be entitled to Payment for Lamps,

LI. The Company shall be entitled to Payment for the Use of all Lamps and Lamp Posts belonging to or provided by them, and for the Maintenance and Repairs thereof respectively, and for the lighting of

of such Lamps while and so long as the same Lamps and Lamp Posts shall be used by the Commissioners, in addition to the Rate by this Act limited for the Supply of Gas. &c. provided by them.

LII. The Company shall provide a central Office within Three hundred Yards from the present public Offices in *Cheltenham*, where Reference and Payments may be made; and upon every Payment for Gas supplied for private Consumption being made at that Office within Fourteen Days after the same shall be due and be demanded, a Discount at the Rate of Five Pounds *per Centum* shall be allowed therefrom, and the posting by the Company of the Account of Gas to the usual Address of the Consumer, or the Delivery thereof at the Place where the Gas was supplied, shall be deemed such Demand as aforesaid. Company to provide a central Office.

LIII. The Company shall, on the *Friday*, *Saturday*, or *Monday* next preceding each monthly Meeting of the Commissioners, deliver to the Clerk to the Commissioners or leave at his Office the Account due for Gas supplied for lighting the public Lamps since the last Account thereof rendered by the Company to the Commissioners, and upon Payment by the Commissioners at the central Office of the Company of any such Account within Fourteen Days after the same shall have been so delivered or left, a Discount at the Rate of Five Pounds *per Centum* shall be allowed therefrom. Company to allow Discount to Commissioners for Payments within a certain Time.

LIV. All Gas Meters and Fittings belonging to the Company now in use by the Consumers shall continue in use so long as the same shall be reasonably fit for Service, and the Consumers using those Meters and Fittings may at their Option either continue to hire or rent the same from the Company, or purchase the same from the Company at Prices to be agreed upon, or in case of Difference, to be settled by the Valuer to be appointed as herein-after provided. Provision for Hire or Purchase of Meters, &c. now in use.

LV. Subject to the foregoing Enactments as to Meters now in use, it shall be lawful for the Consumers of Gas supplied by the Company to provide their own Meters, but the Company shall not be bound to supply Gas to any Consumer so providing Meters unless the same and so much of the Pipe extending thereto from the Main as shall not belong to or be under the Control of the Company be in all respects constructed, laid, and affixed, and subsequently maintained and kept in repair, to the reasonable Satisfaction of the Company, and in case of any Dispute arising in reference to this Provision, the same shall be settled by Two Justices. In other Cases Consumers may supply their own Meters, &c.

LVI. The *Cheltenham* Improvement Commissioners may, at their own Expense, affix a Meter or Meters of approved Construction to all or any of the public Lamps being the Property of the Company, provided such Meters be affixed under the Inspection of the Engineer for the Time being of the Company, in case he shall attend, after As to affixing Meters to public Lamps.

Seven Days previous Notice in Writing shall have been left at the Office of the Company in *Cheltenham* of the Commissioners Intention to affix any such Meter or Meters to any Lamp or Lamps to be specified in such Notice, and the Time at which the same will be done: Provided also, that no such Meter shall be opened by the Commissioners, except in the Presence of the Engineer for the Time being of the Company, in case he shall attend such Opening, after Three Days previous Notice in Writing shall have been left at the Office of the Company in *Cheltenham*, of the Commissioners Intention to inspect such Meter or Meters at the Time to be specified in such Notice: Provided also, that all Damage or Loss to be occasioned by the Commissioners shall be made good by the Commissioners.

Appointment of Valuer.

LVII. For the Purpose of settling any Differences which may arise as to any Matter herein directed to be settled by the Valuer, the Judge for the Time being of the County Court for the County of *Gloucester* holden at *Cheltenham*, may, on the Application either of the Company or of any private Consumer, on Seven Days previous Notice in Writing by such private Consumer to the Company, or by the Company to the Public Surveyor of *Cheltenham*, by Writing under his Hand appoint any competent and indifferent Person as a Valuer to decide the Matters which may have arisen or may arise during the ensuing Year, and may fix the Remuneration to be paid to such Valuer for his Trouble in regard to each Occasion of his being called in to value; and such Remuneration shall in each Case be payable in equal Moieties by the Parties in difference.

Quality of Company's Gas.

LVIII. 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 Ten Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Company to erect a Meter to test Power of Gas.

LIX. The Company shall, within Six Months after the passing of this Act, cause to be erected in some convenient Part of their Works an Experimental Meter, 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 for testing the illuminating Power of the Gas.

Power to Improvement Commissioners to test the Power of the Gas.

LX. It shall at any Time be lawful for the *Cheltenham* Improvement Commissioners by Order in Writing to appoint some competent Person, not being a Member or Officer or Servant of the Commissioners, to proceed to the Works of the Company, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Company, 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 make Experiment of the illuminating Power of the Gas by means of the Experimental Meter

Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall be proved to the Satisfaction of any Two Justices not being Directors or Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power 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 said Justices shall determine.

Penalty on Company in case of Default.

LXI. The Costs of and attending such Experiment, 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, by the Company; but in the event of the Gas being found when tested to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid by the Commissioners to the Company, and shall be paid or levied accordingly.

Cost of Experiment to be paid according to the Event.

LXII. All Sums of Money due to the Company for the Supply of Gas, or for the Sale or Hire or fixing of Meters or Fittings, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount of which shall not be disputed, may be levied by Distress, and any Justice on Application may issue his Warrant accordingly.

Recovery of Money by Distress.

LXIII. Any One 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.

Several Names, &c. in One Warrant.

LXIV. Any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for the Recovery of the Money to be levied shall be paid by the Person liable to pay 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.

Costs of Distress.

LXV. Nothing in this Act or any Act incorporated herewith contained shall prevent the Company from recovering any Sum of Money not exceeding Twenty Pounds due to them in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

Small Sums recoverable in County Court.

LXVI. No Justice or Judge of any County Court shall be disqualified for acting in the Execution of this Act by reason of his being liable to the Payment of any Rate, Rent, or other Charge under this Act.

Liability to Gas Rates not to disqualify Justices.

LXVII. When

Power to remove Pipes from unoccupied Premises.

LXVII. When any House, Building, or Premises from which the Company are by the Gasworks Clauses Act, 1847, authorized to cut off the Supply of Gas shall be unoccupied, the Company, their Agents, Servants, and Workmen, after giving Twenty-four Hours previous Notice of their Intention to the Owner, or if he cannot be ascertained or found, after affixing the Notice for Three Days previously on some conspicuous Part of such House, Building, or Premises, may enter into such House, Building, or Premises between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove or carry away any Pipe, Meter, Fittings, or other Works, the Property of the Company, and the Company shall forthwith make good all Damage occasioned by such Proceeding.

Penalties not to be cumulative.

LXVIII. Penalties imposed on the Company for one and the same Offence, whether by more than one of the Acts incorporated with this Act, or by this Act and any other Act (whether incorporated with this Act or not), shall not be cumulative.

Saving Rights of Cheltenham Improvement Commissioners.

LXIX. Saving always to the *Cheltenham* Improvement Commissioners and their Successors their respective Rights, Privileges, and Franchises, in such and the same Manner as if this Act had not been passed.

Expenses of Act.

LXX. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

SCHEDULE referred to in this Act.

ALL those Lands, Tenements, and Hereditaments situate in the Parish of Cheltenham aforesaid, and bounded on or towards the North by the existing Works and Land of the Company, on or towards the East partly by the existing Works and Land of the Company, and partly by the Road called the Gas Green Road, on or towards the South partly by the Phœnix Coal Yard, partly by the Gas Green Road aforesaid, and partly by the Old Gloucester Road, and on or towards the West by a back Road leading from the Old Gloucester Road aforesaid to a Road called the Coach Road, running by the Side of the Works of the Company.

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