CHAP. xxxvi.

An Act for incorporating and granting further powers to the Cleckheaton Gas Company. [24th June 1869.]

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WHEREAS in the year 1837 certain persons formed themselves into a gas company, under the name of "The Cleckheaton Gas Company," for the purpose of supplying with gas the hamlet of Cleckheaton and its neighbourhood in the parish of Birstal in the west riding of the county of York, and generally for carrying on the business usually carried on by gas companies:

And whereas the affairs of the said company are now regulated by a deed of settlement bearing date the nineteenth day of April 1837, by which it is provided that the capital of the company should be three thousand five hundred pounds, divided into three hundred and fifty shares of ten pounds each, and that such capital might from time to time be increased as therein provided:

And whereas under the powers of the said deed of settlement the capital of the company has been increased, and now consists of sixteen thousand and sixty-five pounds, divided into one thousand and seventy-one shares of ten pounds each, all fully paid up, representing ten thousand seven hundred and ten pounds, and one thousand and seventy-one shares of five pounds each, on which fifteen shillings per share, representing eight hundred and three pounds five shillings, has been paid up, leaving four pounds five shillings per share, representing four thousand five hundred and fifty-one pounds fifteen shillings, not yet paid or called up:

And whereas a further call of one pound per share has been made in respect of the said one thousand and seventy-one shares of five pounds each, which is now in course of payment:

And whereas the said company purchased certain plots or parcels of land situate respectively at or near to Lower Rawfolds in the township of Gomersal, and at or near to Upper Rawfolds in the township of Liversedge, both in the said parish of Birstal (which plots or parcels of land are more particularly described in the

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schedule to this Act), and thereon constructed and erected works for the manufacture and storage of gas, and other works for the purposes of the said company, and the company have also laid down in the streets and thoroughfares within their district mains and other pipes, to enable them to supply gas and to carry on the other business of a gas company:

And whereas the population, manufactories, and buildings in Cleckheaton aforesaid and the neighbourhood thereof, and the demand for gas therein, have of late years greatly increased, and in order to meet such demand the works, mains, and pipes of the said company must be enlarged and extended, and for the purpose of such enlargement of their works additional capital will be required by the said company; and it is expedient that they should be dissolved and re-incorporated, and that their capital should be increased, and that the other powers herein-after contained should be conferred upon them:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and 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:

Short title.

1. In citing this Act for any purpose whatsoever it shall be sufficient to use the expression "The Cleckheaton Gas Act, 1869."

8 & 9 Vict. c. 16. & 18., 10 & 11 Vict. c. 15., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," (except the provisions thereof with respect to the purchase of lands otherwise than by agreement,) "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," shall, subject to the provisions of this Act, be incorporated with and form part of this Act.

Interpretation of terms.

3. In construing the incorporated Acts respectively for the purposes of this Act, and in construing this Act, the words and expressions herein-mentioned or referred to shall have the meanings herein assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the old company" shall mean the company or copartnership as constituted and existing immediately before the passing of this Act:

The expressions "the company," "the promoters of the undertaking," and "the undertakers" shall respectively mean the company incorporated by this Act:

The expression "the special Act" shall mean this Act:

The expressions "the works," "the gasworks," and "the undertaking" shall respectively mean and include the gasworks and works connected therewith by this Act vested in or authorized to be made or maintained by the company, and any gasworks they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, and effects of the company:

The expressions "superior court" and "court of competent jurisdiction," and any other like expression, 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:

Other expressions and words to which in the incorporated Acts meanings are assigned shall respectively have the same meanings in this Act.

Limits of Act.

4. The limits of this Act for the supply of gas shall be and include—

The hamlet of Cleckheaton in the parish of Birstal in the west riding of the county of York:

So much of the hamlet of Scholes in the township of Cleckheaton as lies within and on or to the south-west of an imaginary line commencing at a point in a certain lane called or known by the name of White Chapel Lane in the said township of Cleckheaton, situate at a distance of about four hundred and fifty links west of a certain farmhouse there called or known by the name of Cheerbarrows otherwise Chairbarrows, now or lately belonging or reputed to belong to Henry William Ripley, esquire, and now or lately occupied by Mr. Luke Wood; and extending thence in a south-westwardly direction to the Wakefield and Halifax turnpike road at Hartshead Moor in the said township of Cleckheaton, to a point situate at a distance of about three chains and seventy links eastward of the end of a lane there called or known by the name of Scholes Lane:

So much of the township of Liversedge in the said parish of Birstal as lies within an imaginary line commencing at the boundary of the said townships of Cleckheaton and Liversedge at the Hartshead Moor end of New Lane; and extending thence in a straight line in an easterly direction to the bridge under the Cleckheaton branch of the Lancashire and Yorkshire

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Railway, which bridge lies in a south-westerly direction from Sike otherwise Syke Fold in the said township of Liversedge; and extending from the said bridge along the north-eastern side of the said railway in a south-easterly direction to a culvert under the said railway through which flows a rivulet from the Hightown Heights in the said township of Liversedge; and extending thence in an easterly direction along the course of the said rivulet to its junction with the Rawfolds Beck, and continuing in the same direction from the last-mentioned point in a straight line to the end of the footpath at Eddercliffe in the said township of Liversedge which leads to Little Gomersal in the said township of Gomersal; and extending thence along the said footpath towards Little Gomersal aforesaid for a distance of about three hundred and ten yards to the point where it crosses the boundary of the said townships of Gomersal and Liversedge:

So much and such parts of the township of Gomersal in the said parish of Birstal as the old company have heretofore and are now supplying with gas.

Incorporation of company.

5. From and after the passing of this Act the old company shall be dissolved and cease to exist, and the several persons and corporations who immediately before the passing of this Act were proprietors of shares in that company, and all other persons and corporations who have subscribed or who shall hereafter subscribe to the undertaking of the company, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purposes herein-after mentioned, and shall be incorporated by the name of "The Cleckheaton Gaslight Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued at law and in equity, and shall have power from time to time to purchase, take on lease, or rent, and hold, and sell lands for the purposes of the said undertaking, subject to the restrictions and provisions herein and in the said incorporated Acts contained.

General purposes of the company.

6. The company shall be established for the purpose of manufacturing gas produced from coal or other material, and supplying and lighting with gas so produced the several turnpike roads, highways, public and private roads, streets, lanes, thoroughfares, squares, courts, alleys, and public or private passages or places, railway, railway station and the works and conveniences connected therewith, and also the several churches, chapels, shops, taverns, private houses, manufactories, warehouses, and other buildings, and the collieries, within the limits of this Act; and also for the dealing in coke, coal, tar, pitch, asphaltum, ammoniacal liquor, oil, and other matter, the

residuum or product of any coal or other material which may be employed in the manufacture of such gas; and also for making or converting tar, pitch, ammoniacal liquor, and any other residuum or product into dyewares or other material, and for dealing in the same; and also for manufacturing, buying, hiring, letting, selling, and dealing in gas-fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks, or with the supply of gas to the consumers thereof, in such manner as the company may think proper: Provided always, that nothing in this Act contained shall prevent the company from being liable to an indictment for nuisance or to any other legal proceeding to which they may be liable in consequence of the manufacture or sale of any articles, matters, and things producible from the residual products arising from the manufacture of gas.

Present property vested in company incorporated by this Act.

7. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the old company or any person in trust for them or on their behalf, or to which the old company were in anywise entitled, either at law or in equity, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, syphons, apparatus, stock, effects, matters, and things which have been by them purchased or provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of or belonged to the old company, and all monies, securities, credits, effects, and other property whatsoever which immediately before the passing of this Act belonged to the old company, or to any trustees on their behalf, and the benefit of all contracts and engagements entered into with and on behalf of the old company, and immediately before the passing of this Act in force, shall be and the same are hereby vested in the company, to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the old company or any trustees on their behalf, and may, according to the provisions of this Act, be held and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Deed of settlement to be void without prejudice to remedies for antecedent breaches thereof.

8. Subject to the provisions of this Act, the existing deed of settlement shall, as to any future or prospective operations thereof, from and after the passing of this Act be wholly void and of none effect, and the company shall be exempted from all the provisions, restrictions, and requirements of any Act concerning joint stock companies which applied to the old company; and the several persons who shall have executed the same deed, and their heirs, executors,

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and administrators, shall immediately from and after the passing of this Act stand and be by virtue thereof released and discharged from any future obligation to observe, perform, abide by, fulfil, or conform to the said deed of settlement or the covenants or agreements therein contained; but nothing herein contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said deed of settlement incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as herein otherwise provided, may be enforced by or on behalf of the company as nearly as may be in like manner as the same might have been enforced by or on behalf of the old company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

9. Notwithstanding the incorporation of the company and the avoidance of the said deed of settlement, and, except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old company, or the shareholders therein in that capacity, shall be as valid as if the company had not been incorporated and the said deed had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the company were not incorporated and the said deed was not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and everything so done or suffered; and with respect to all such rights, liabilities, claims, and demands, the company shall to all intents and purposes represent the old company and the shareholders therein in their capacity of shareholders: Provided always, that the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

10. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the old company or any trustees or persons acting on behalf of the old company, or by, to, or with any other person to whose rights and liabilities they have succeeded, and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the company, and may be enforced as fully and effectually as if, instead of the old company or the trustees or persons acting on behalf of the old company, the company had been a party thereto.

Actions, &c., not to abate.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity,

which was pending by or against the old company or any member or shareholder thereof in relation to the affairs of the old company, or to which the old company or any member or shareholder thereof in relation to such affairs were parties immediately before the passing of this Act, but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the company, as the case may be, in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the old company, or any member or shareholder thereof, if this Act had not been passed, the company being in reference to the matters aforesaid in all respects substituted for the old company.

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

12. If any judgment, decree, or order shall at any time after the passing of this Act be obtained against the company in respect of any debt or liability owing or incurred by the old company at the time of the passing of this Act, and such judgment, decree, or order shall not, after due diligence for that purpose has been used, be fully satisfied out of the property and effects of the company, then and in every such case such judgment, decree, or order may be enforced and execution thereon issued against the person, property, and effects of any person who shall have been a shareholder of the old company at the time of the passing of this Act, and who shall be legally responsible in respect of such debt or liability, or who shall have been a shareholder in the said company at the time at which the contract shall have been made or tort committed in respect of which such debt or liability shall have accrued or have been incurred, in the same manner in all respects as if this Act had not been passed.

Reimbursement of shareholders in such case.

13. Every person against whom or against whose property or effects execution upon any such judgment, decree, or order as aforesaid shall have been enforced shall be entitled to recover against the company all loss, damages, costs, and charges which such person may have incurred by reason of such execution, and shall be entitled to contribution for so much of such loss, damages, costs, and charges as shall remain unsatisfied from the several other persons against whom execution upon such judgment, decree, or order obtained against the company might also have been enforced under the preceding section; and such contribution may be recovered from such persons as aforesaid in like manner as contribution in ordinary cases of partnership.

Trustees of old company to be indemnified.

14. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the old company were vested immediately before the passing of this Act, and who (being duly authorized so to do)

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entered into any bond, covenant, contract, or engagement in respect of the same, or otherwise on behalf of the old company, shall be indemnified and saved harmless, out of the funds or property of the company, from and against all the liability, loss, costs, charges, and expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such bond, covenant, contract, or engagement.

Provision in Acts of Parliament in favour of old company may be enforced, notwithstanding incorporation of the company.

15. All powers, provisions, matters, and things reserved, contained, or granted in or by any Act of Parliament to or for the benefit of the old company, and not since repealed, shall, notwithstanding the re-incorporation of the said company by this Act, be of the like force, operation, and effect, and shall attach to and be exercised and enforced by the company incorporated by this Act, in as full and effectual a manner to all intents and purposes whatsoever as if the same had in and by such Act of Parliament as aforesaid been expressly reserved, contained, or granted to or in favour of the company incorporated by this Act.

Company to satisfy liabilities of old company.

16. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the company shall in all other respects be subject to and shall satisfy or discharge all obligations and liabilities to which the old company immediately before the passing of this Act were or but for this Act would become subject, and shall indemnify the shareholders, directors, officers, and servants of the old company and their respective representatives from all such obligations, liabilities, and expenses, and all costs in that behalf.

Gas rates, &c. to be recovered.

17. All gas rates, rents, and sums of money which immediately before the passing of this Act were due and payable or accruing to the old company shall be payable to and may be collected and recovered by the company, in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before passing of Act.

18. All persons who immediately before the passing of this Act owed any money to the old company, or to any person on their behalf, shall pay the same, with all interest (if any) due, payable, or accruing upon the same, to the company; and all debts and monies which immediately before the passing of this Act were due or owing or recoverable from the old company, or for the payment of which the old company were or but for this Act would be liable, shall be paid, with all interest (if any) due or payable or accruing upon the same, by or be recoverable from the company.

Certificates, &c., to remain in force.

19. Notwithstanding the avoidance of the said deed, all certificates (until cancelled under the powers of this Act), sales, transfers,

and dispositions heretofore made or executed under that deed of or with respect to any shares in the old company shall remain in full force and continue and be available in all respects as if such deed had not been avoided.

Officers to continue until removed.

20. All officers and servants of the old company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the company, and shall have the like powers and authorities for the purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

Present register of shareholders to be continued.

21. The book kept by the old company for entering the names and designations of the subscribers to the undertaking, with the numbers of their shares and the proper number by which such shares shall be distinguished, shall and may continue to be kept for the same purpose by the company hereby incorporated, and shall, until some other register of shareholders shall be provided by the company, be taken and considered as the register of shareholders required to be kept by "The Companies Clauses Consolidation Act, 1845."

Capital.

22. The capital of the company shall be sixteen thousand and sixty-five pounds (subject to augmentation as herein-after mentioned), and shall be divided into one thousand and seventy-one shares of ten pounds each, and one thousand and seventy-one shares of five pounds each, which shares are herein-after called "the old shares:" Provided always, that when and so soon as the said old shares of five pounds each are fully paid up the company shall convert into stock the whole of their said capital of sixteen thousand and sixty-five pounds, and such stock shall be divided among the shareholders according to their respective interests therein.

Vesting of old shares in present shareholders.

23. The old shares shall remain and be vested in the several persons who immediately before the passing of this Act are the registered proprietors of the shares in the old company share for share, and every share so vested shall be subject to the same liability for calls and subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the same, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

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

24. The company shall call in and cancel the existing certificates of shares in the old company, and issue in lieu thereof certificates of the substituted shares in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845;" but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the company, to be cancelled, the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the company the loss or destruction thereof.

Power to raise additional capital by new shares.

25. It shall be lawful for the company from time to time to raise, by the issue of new ordinary shares or by the issue of preference shares any further sum or sums of money not exceeding in the whole (beyond the sixteen thousand and sixty-five pounds) the sum of thirteen thousand nine hundred and thirty-five pounds.

Profits of the company limited.

26. For the purposes of the provisions of the said Gasworks Clauses Act "with respect to the amount of profit to be received by "the undertakers when the gasworks are carried on for their "benefit," the following shall in the respective cases herein-after mentioned be "the prescribed rate" of dividend; that is to say, "the "prescribed rate" shall in respect of the said capital of sixteen thousand and sixty-five pounds be ten pounds in the hundred by the year on so much of such capital as for the time being has been paid up, and shall in respect of the additional capital of thirteen thousand nine hundred and thirty-five pounds be seven pounds in the hundred by the year on the amount for the time being actually paid up on ordinary shares, and six pounds in the hundred by the year on the amount for the time being actually paid up on preference shares.

As to amount of new shares.

27. Any new shares, whether ordinary or preference, which may be issued under this Act shall be of a nominal amount not less than ten pounds.

Shares not to be issued until one fifth part paid up.

28. It shall not be lawful for the company to issue any such new share, nor shall any such share vest in the person accepting the same, unless and until a sum, not being less than one fifth part of the amount of such share, shall have been paid up in respect thereof.

Calls on new shares.

29. Twenty per centum on the nominal amount of the share shall be the greatest amount of any one call which the directors may make on or in respect of any new shares to be issued by virtue of this Act, and three months at the least shall be the interval between successive calls.

Receipts on behalf of incapacitated persons.

30. If any money be payable to any shareholder, being a minor, idiot, or lunatic, the receipt of his guardian or committee, as the case may be, shall be a sufficient discharge to the company for the same.

Power to borrow in respect of existing capital.

31. The company may from time to time, and at any time after the passing of this Act, borrow on mortgage, in respect of their existing capital of sixteen thousand and sixty-five pounds, any sums not exceeding in the whole four thousand pounds.

Power to borrow in respect of additional capital.

32. In addition to the sum of four thousand pounds which the company are authorized to borrow by the last preceding section, they may from time to time borrow on mortgage, in respect of the additional capital of thirteen thousand nine hundred and thirty-five pounds by this Act authorized to be raised by shares, any sums not exceeding in the whole three thousand five hundred pounds, but no part thereof shall be borrowed until the whole of the said additional capital of thirteen thousand nine hundred and thirty-five pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and until the company have proved to the justice who is to certify, under the provisions contained in the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such additional capital has been issued and accepted, and that one half part of such capital has been paid up, and that one fifth of the amount of every share has been paid on the issue or acceptance thereof, and that such shares are bonâ fide held by subscribers or their assigns, and for which such subscribers or their assigns are legally liable; 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 certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

33. 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 authorize 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 shall be made shall not be less than one thousand pounds in the whole.

Power to issue debenture stock.

34. The company may create and issue debenture stock at any rate of interest not exceeding the rate of five pounds per centum per annum.

Application of monies.

35. All monies raised under this Act by the company, whether by shares or by debenture stock or by borrowing, shall be applied only to the purposes by this Act authorized.

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First and other meetings.

36. The first ordinary meeting of the company shall be held within three months next after the passing of this Act, and the subsequent ordinary meetings of the company shall be held within thirty days after the first Friday in the month of July in every year.

Quorum of general meetings.

37. 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 one thousand pounds in the capital of the company.

Scale of voting.

38. The proprietors of stock or shares in the undertaking shall have votes at all meetings of the company according to the following scale, namely, one vote for every sum of ten pounds fully paid up on the shares held by him.

Number and qualification of directors.

39. The number of directors shall be seven, and the qualification of a director shall be the possession in his own right of shares in the undertaking to the registered value of one hundred pounds.

Power to reduce the number of directors.

40. It shall be lawful for the company from time to time to reduce the number of directors, provided that the reduced number be not less than three.

First directors.

41. The persons who at the time of the passing of this Act are directors of the old company shall be the first directors of the company.

Such directors to continue in office until first meeting after passing of this Act.

42. The first directors shall continue in office until the first ordinary meeting to be held in the year one thousand eight hundred and sixty-nine, and at such meeting the shareholders present personally or by proxy may continue in office the first directors appointed by this Act or any number of them, or may elect any new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being eligible as members of such new body; and at the first ordinary meeting to be held in every year after the year one thousand eight hundred and sixty-nine the shareholders present in person or by proxy shall elect persons to supply the place of the directors then retiring from office, in accordance with the provisions in "The Companies Clauses Consolidation Act, 1845," in that behalf 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.

Quorum.

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

Committees of directors.

44. The number of directors of which committees appointed by the directors shall consist shall be not less than three, and the quorum of such committee shall be left to the discretion of the directors.

Remuneration of directors and auditors.

45. The remuneration of the directors and auditors shall from time to time be fixed by a general meeting of the company, and shall be paid out of the rents, rates, or sums receivable under this Act.

Powers as to construction and maintenance of gasworks, &c.

46. Subject to the provisions of this Act, the company may from time to time maintain, alter, improve, enlarge, extend, and renew, or discontinue upon the lands on which the same are erected, or any part thereof, and which are described in the schedule to this Act, their existing gasworks, buildings, retorts, gasometers, receivers, and other works and apparatus and conveniences, and may do all such acts as they think proper for making and storing gas, and for supplying gas within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, coal, tar, pitch, asphaltum, ammoniacal liquor, oil, and all other products and residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

Power to purchase lands by agreement.

47. The company may for the purposes of their undertaking purchase, take, and hold (by agreement, but not otherwise,) in addition to the lands described in the schedule to this Act, any lands and hereditaments not exceeding in the whole five acres which the company may from time to time require for the purposes of their works and undertaking, and sections 127 to 132, both inclusive, of "The Lands Clauses Consolidation Act, 1845," shall extend and apply as well to the lands by this Act vested in the company as to any lands which they may purchase or acquire under the authority of this Act; but no lands shall be used by the company for the purpose of manufacturing gas, except the said lands described in the schedule to this Act, nor shall they, except on the same lands, erect works for the storage of gas within three hundred yards of any dwelling house existing at the time of the acquisition by the company of the lands for such storage works, without the consent in writing of the owner, lessee, and occupier of every such dwelling house.

Power to lay pipes against buildings.

48. 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

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such building, for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Power to contract with public bodies.

49. The company may from time to time enter into and carry into effect all such contracts with local boards, commissioners, companies, lighting inspectors, and other public bodies, trustees, and persons within the limits of supply as authorized and defined by this Act, with respect to the supply of gas, gas-fittings, or meters by the company, on such terms and conditions as they think fit.

Power for local boards to provide lamp-posts.

50. Any such local board commissioners, lighting inspectors, and other public bodies with whom such contract may be entered into, may provide and keep in repair their own public lamp-posts and lamps and apparatus connected therewith.

Consumers may be required to consume by meter.

51. Every consumer of gas supplied by the company shall, on being required by the company so to do, consume such gas by meter which shall be approved by the company, and may from time to time be examined and tested by them, and any meter may be provided, sold, or let to hire by the company to the consumer.

Consumer may provide his own meter.

52. Subject as aforesaid, every consumer of gas supplied by the company shall be at liberty, at his own expense, to provide his own meter.

Consumer to keep his own meter in order.

53. 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, and of sufficient size for correctly registering such gas, in default whereof the company may cease to supply gas through such meter; and the company shall have access to and be at liberty to take off, remove, test, inspect, and replace the same at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the company if the meter be found in proper order, but otherwise at the expense of the consumer.

Company *not to charge* incoming tenant for arrears of gas.

54. In case any consumer leave the premises where gas was supplied to him without paying to the company the gas rate or meter rent due from him, the company shall not be entitled to require from the next tenant of the premises payment of the arrears left unpaid by the former tenant, unless the incoming tenant agreed with the defaulting consumer to pay the arrears; but the company shall, notwithstanding any such arrears, in the absence of collusion,

supply gas and meter to the incoming tenant as required by this Act, on being required by him so to do.

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

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

Security for payment of rate.

56. Any person having or requesting to have a supply of gas from the company shall, if and when so required in writing by them, and before he is entitled to have such service pipes and meter provided and fixed, or to have a supply of gas, give to them such security for the payment for one year of the rate for the gas to be supplied to him as he and the company agree on, or as, in default of agreement, shall be determined as by this Act provided; and the company shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the company.

Justice may determine nature of security.

57. Where any such person and the company do not agree on the security to be given the same shall be determined by a justice; and any single justice shall, on the application of the person and the company, or either of them, determine the nature and amount of the security to be given; and the security may, as the justice thinks fit, be the deposit with the company or with any person approved by the justice, or the prepayment to the company, of a sum of money, or 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

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of money the company shall pay interest thereon to the consumer at such rate and for such time as the justice determines.

Fraudulently injuring meters.

58. If any person shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any pipes, mains, meters, or fittings, or other things connected therewith belonging to the company, or shall alter the index to any meter, or fraudulently alter any part of such meter or any pipes connected therewith, or shall in any way fraudulently, wilfully, or knowingly prevent such meter from duly registering the quantity of gas supplied, or by any means fraudulently obstruct, consume, or use the gas of the company, every person so offending shall for every such offence forfeit to the company any sum not exceeding five pounds; and the company may, in addition thereto, recover the amount of any damage sustained by them which shall not be satisfied by the amount of the penalty recovered, and may also discontinue, until the act complained of is remedied, but no longer, the supply of gas to the person or company so offending, and that notwithstanding any contract previously existing; and the existence of artificial or irregular means for causing such alteration or obstruction, when such meter shall be under the custody or control of the consumer, shall be primâ facie evidence that the same has been knowingly, wilfully, and fraudulently caused by the consumer using such meter: Provided always, that this enactment shall not prejudice any right of the company to institute any criminal proceedings in reference to such offence in any case where they shall not proceed summarily under this Act.

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

59. In all cases in which the company are by "The Gasworks Clauses Act, 1847," incorporated with this Act, authorized 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 twenty-four hours previous notice 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 address be not known to the company after due inquiry, by affixing such notice for three days on some conspicuous part of such house, building, or premises, may enter into such building or 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.

Limiting the price of gas.

60. The price to be charged by the company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings and sixpence per one thousand cubic feet.

Charge for meter.

61. The charge to be made by the company to the consumer for the use of any meter provided by the company shall not be more than after the rate of ten pounds per centum per annum on the outlay incurred by the company in providing and fixing such meter.

Quality and illuminating power of gas.

62. 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 an hour, a light equal in intensity to the light produced by fourteen sperm candles burning one hundred and twenty grains an hour, and shall be so far pure from sulphuretted hydrogen as not to discolour moistened test paper imbued with acetate or carbonate of lead when this test paper is exposed for one minute to a current of gas issuing under a pressure of five tenths of an inch of water.

Experimental meter.

63. The company shall, within twelve months after the passing of this Act, erect in some convenient part of their works an experimental meter furnished with an argand burner having fifteen holes and a seven-inch chimney capable of consuming five cubic feet of gas per hour, and so placed as to test all the gas supplied by the company, and with proper and sufficient apparatus for testing the illuminating power and purity of the gas; and the company shall at all times keep and maintain the experimental meter and apparatus in good repair and working order, and if and when necessary renew the same.

Power of testing quality of gas.

64. It shall be lawful for two justices, on the application of any consumers of the gas of the company, not being less than five in number, by order in writing to appoint some competent person to proceed to the works of the company, and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the company, and in the presence of the superintendent or other officer of the company 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 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, unless reasonable cause be shown to the justices for the deficiency of the illuminating power, forfeit such sum not exceeding twenty

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pounds as the justices shall determine under the circumstances of the case.

Costs of experiment by whom to be paid.

65. 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 no penalty being imposed such costs shall be awarded to be paid by such consumers, as the case may be, to the company, and shall be paid or levied accordingly.

Penalties not cumulative.

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

Sums undisputed may be recovered by distress.

67. All sums of money due to the company for the supply of gas or for the 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 bonâ fide disputed, may (the party in default being first duly summoned) be levied by distress, and any justice, on application, may issue his warrant accordingly.

Contents of warrant.

68. Any one summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Warrant shall include costs.

69. 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.

Recovery of sums due to the company.

70. Whenever any person neglects to pay any rate or sum due to the company the company may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedies of the company under this enactment shall be in addition to their other remedies in that behalf.

Liability to gas rate not to disqualify justices.

71. No judge or justices shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, rate, or other charge under this Act.

As to recovery of rent for gas and fittings

72. In addition to the power given by "The Gasworks Clauses Act, 1847," in this behalf, the company may recover the rent of any gas, or the price or rent of any pipe, burner, meter, lamp, or

fittings supplied, sold, delivered, or let to hire by the company, together with the expense of cutting off the service pipe or gas, by action in any court of competent jurisdiction, although the demand in respect thereof may be less than twenty pounds. under twenty pounds.

73. All the costs, charges, and expenses of applying for and obtaining this Act or incident thereto shall be paid by the Company. Expenses of Act.

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SCHEDULE referred to in the foregoing Act.

A certain plot or parcel of land situate at or near to Lower Rawfolds in the township of Gomersal in the parish of Birstal in the west riding of the county of York, bounded on or towards the north and west by a bridge and rivulet, on the east by the turnpike road leading from Cleckheaton to Littletown, and on the south by cottages now or lately belonging or reputed to belong to Mr. Frank Sykes, and now occupied by Edwin Jones and others; and also a certain plot or parcel of land situate at or near to Upper Rawfolds in the township of Liversedge in the said parish of Birstal and west riding of the county of York, bounded on the north by a certain street called Wood Street, on the west by another street called John Street, on the east by the said turnpike road leading from Cleckheaton to Littletown, and on the south by a certain street or lane called the Walk, leading from the said turnpike road to Upper Rawfolds aforesaid.

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