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An Act for incorporating the Dorking Gas Company, and for enabling them to supply Gas within the parish of Dorking in the county of Surrey; and for other purposes. A.D. 1871.

[13th July 1871.]

WHEREAS by a deed of copartnership dated the seventeenth day of June one thousand eight hundred and thirty-four the Dorking Gas Company was constituted for the purpose of lighting with gas the town of Dorking in the county of Surrey, with a capital of three thousand pounds, divided into one hundred and twenty shares of twenty-five pounds each, with power to increase the same from time to time in manner therein mentioned: Deed dated 17th June 1834.

And whereas in the month of May one thousand eight hundred and fifty-five, in pursuance of the power contained in the said deed, the said capital was increased to the sum of four thousand five hundred pounds by the creation of one hundred and twenty new or additional shares of twelve pounds ten shillings each, and by articles of agreement dated the twenty-third day of September one thousand eight hundred and sixty-five the capital stock of the said Company was further increased to the sum of twelve thousand pounds by the augmentation of the said last-mentioned one hundred and twenty shares, and by the creation of two hundred and forty new or additional shares of twenty-five pounds each:

And whereas in the month of March one thousand eight hundred and sixty-nine the capital stock of the said Company was further increased to the sum of fifteen thousand pounds by the creation of one hundred and twenty new or additional shares of twenty-five pounds each, of which the sum of five pounds per share only has been paid up:

And whereas the one hundred and twenty shares constituting the original capital of the Company under the said deed of the seventeenth day of June one thousand eight hundred and thirty-four have been denominated Class A. shares; the one hundred and twenty shares created in the month of May one thousand eight hundred

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and fifty-five have been denominated Class B. shares; one hundred and twenty of the two hundred and forty shares created in the month of September one thousand eight hundred and sixty-five have been denominated Class C. shares; the one hundred and twenty, the remaining part of the two hundred and forty shares created in such last-mentioned month, have been denominated Class D. shares; and the one hundred and twenty shares created in the month of March one thousand eight hundred and sixty-nine have been denominated Class E. shares:

And whereas it is expedient that the Company be dissolved and reconstituted, and that their deed of settlement be annulled, and that the powers herein-after contained be conferred on them:

And whereas those objects cannot be accomplished 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.

1. This Act may be cited for all purposes as "The Dorking Gas Act, 1871."

Provisions of general Acts herein named incorporated.

2. The Companies Clauses Consolidation Act, 1845, Part I., Part II., and Part III. of the Companies Clauses Consolidation Act, 1863, the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Gasworks Clauses Act, 1847, are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that the Company shall not be authorised to purchase or take any land except by agreement.

Interpretation clause.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the original Company" means the Company as constituted by the deed before mentioned; the expression "the works," or "the gasworks," or "the undertaking," mean respectively and include the gasworks and works connected therewith by this Act vested in the Company, or any gasworks they may provide under the powers of this Act; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or the Acts incorporated herewith, shall be read and have effect as if the debt or demand with respect to

which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act shall be and include the parish of Dorking in the county of Surrey.

Incorporation of Company.

5. The original Company is by this Act dissolved, and the present members of or shareholders in that Company, and all other persons who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purpose of making and supplying gas within the limits of this Act, and for doing all acts necessary for that purpose, and for other the purposes by this Act and the said incorporated Acts authorised, and for the several purposes aforesaid shall be incorporated by the name of "The Dorking Gas Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, hold, and dispose of lands and other property for the purposes of this Act.

Deeds of settlement and agreement to be void without prejudice to remedies for antecedent breaches thereof.

6. Subject to the provisions of this Act, the original deeds of copartnership and agreement before mentioned shall as to any future or prospective operation thereof, but subject and without prejudice to any remedies for antecedent breaches thereof, which remedies may be enforced by the Company, be from and after the passing of this Act wholly void and of none effect; and the several persons who shall have executed the said deeds, and their heirs, executors, and administrators, shall, immediately from and after the passing of this Act, stand and be by virtue hereof released and discharged from any future obligation to observe, perform, abide by, fulfil, or conform to the said deeds of copartnership or agreement, or the covenants or agreements therein contained or any of them respectively.

General powers of Company.

7. Subject to the provisions of this Act and the Acts incorporated therewith, the Company may make and supply gas within the limits of this Act, and may sell and dispose of coke, coal, tar, and all other products, refuse, or residuum arising, remaining, produced by or obtained from the manufacture of gas by them, or the materials used therein, and may sell such articles as can be produced from or by means of the several matters and things aforesaid, and may (but only for the purposes of the Company within the limits of this Act) contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made granting any right or privilege of working, using, exercising, or vending any invention in relation to the manu-

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facture and distribution of gas, or of the residual products arising from the manufacture of gas, or otherwise in relation thereto, but not so as to acquire an exclusive right to the working, use, exercise, or putting in practice of any such invention or inventions, and may also manufacture and sell, let, or deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks, or with the supply of gas to the consumers thereof, in such manner as the Company may think proper, and generally carry on the business usually carried on by gas companies, or which is or may become incident thereto: Provided that nothing in this Act contained shall prevent the Company from being liable to an indictment for nuisance, or to any other legal proceeding to which they may be liable in consequence of any such operations.

Nothing to exempt Company from being indicted for a nuisance.

Property of original Company vested in Company incorporated by this Act.

8. Subject to the provisions of this Act, all lands, works, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the original Company, or any person or persons in trust for them or on their behalf, or to which the original Company were in anywise entitled at law or in equity, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp posts, apparatus, stock, effects, matters, and things which have been by them purchased or provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of or belonging to the same Company; and all moneys, securities, credits, effects, and other property whatsoever belonging to the original Company, or to any trustees on their behalf for the purposes of such Company, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the original Company, or any trustees on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for, and recovered by the Company.

Saving previous rights and liabilities.

9. Notwithstanding the incorporation of the Company and the avoidance of the said deeds of copartnership and agreement, 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 original Company, or the shareholders therein in that capacity, shall be as valid as if the Company had not been incorporated and the said deeds 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 deeds of copartnership and agreement were not avoided by this

Act, and this Act were not passed, would be incident to or consequent on any and every thing so done and suffered; and with respect to all such rights, liabilities, claims, and demands the Company shall to all intents and purposes represent the original Company and the shareholders therein in their capacity of shareholders: Provided always, that the generality of this enactment shall not be restricted by any of the other provisions of this Act.

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

10. Except as by this Act otherwise specially provided, all purchases, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the original Company, or any trustees or persons acting on behalf of such Company, by or with any other person to whose rights and liabilities they have succeeded as assigns, and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually, as if instead of the original Company, or the trustees or persons acting on behalf of that 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 original Company, or any member thereof in relation to the affairs of the original Company, or to which that Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act; but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the original Company, or any member thereof, if this Act had not been passed, the Company being in reference to the matters aforesaid in all respects substituted for the original Company.

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

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

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incurred, and legally responsible in respect of such debt or liability to the same extent as if this Act had not been passed.

Reimbursement of shareholders in such case.

13. Every person against whom or against whose property or effects any such judgment, decree, or order is enforced shall be entitled to recover against the Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have been issued, and the contribution may be recovered in like manner as contribution in ordinary cases of copartnership.

Trustees of 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 original Company were vested immediately before the passing of this Act, and who (being duly authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same, or otherwise on behalf of the original Company, shall be indemnified and saved harmless out of the property of the Company from and against all liability, loss, costs, charges, and expenses under or by reason of every such bond, covenant, contract, or engagement.

Gas rates, &c. to be recovered.

15. All gas rates, rents, and sums of money which immediately before the passing of this Act were due and payable or accruing to the original Company shall be payable to and may be collected and recovered by the Company in like manner as the gas rates, rents, and sums of money under this Act.

As to payment of debts owing before the passing of this Act.

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

Shareholders to pay calls.

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

Certificates, &c. to remain in force.

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

Books, &c. continued evidence.

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

Officers to continue until removed.

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

Capital.

21. The capital of the Company shall, until augmented under the powers of this Act, be fifteen thousand pounds, whereof twelve thousand pounds shall be divided into four hundred and eighty shares of twenty-five pounds each, and be distinguished as Class A. shares, and three thousand pounds, the remainder thereof, shall be divided into one hundred and twenty shares of twenty-five pounds, and be distinguished as Class B. shares, and the Class A. shares shall be deemed fully paid up, and the Class B. shares shall be deemed as paid up to the extent of five pounds per share: Provided always, that no call shall be made in respect of the Class B. shares without the sanction of the majority of the shareholders at a special general meeting to be holden for that purpose.

Appropriation thereof.

22. The shares in the original Company shall be appropriated and belong to the several persons and corporations who immediately before the passing of this Act were the shareholders in the original Company, in the proportions following; one Class A. share for every then existing share denominated Class A., B., C., or D., and one Class B. share for every then existing share denominated E. share, in the capital of the original Company, and in substitution for the said existing shares respectively.

Shares to be subject to the same

23. The shares so appropriated shall be subject and liable to the same trusts, powers, provisoes, declarations, agreements, charges,

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trusts, &c. as old shares.

liens, and encumbrances as immediately before the passing of this Act affected the then existing shares in the original Company for which the shares are substituted, and so as to give effect to and not to revoke any testamentary disposition of or affecting such existing share.

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

24. The directors may call in and cancel the existing certificates of shares in the original Company, and issue in lieu thereof certificates of proprietorship under this Act, in the form and under the conditions of "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.

25. The Company may from time to time raise, in addition to the said capital of fifteen thousand pounds, by the creation of new ordinary and preference shares, or (at the option of the Company) by either of those modes, additional capital, not exceeding in the whole the further sum of fifteen thousand pounds, but no such share shall be of less amount than twenty-five pounds.

Shares not to issue until one fifth paid up.

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

Calls.

27. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Limits of dividend on new capital.

28. The Company shall not in any year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as may be issued as preference capital.

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

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

Power to borrow on mortgage.

30. The Company may from time to time after the passing of this Act borrow on mortgage any sum not exceeding in the whole three thousand seven hundred and fifty pounds, and may also from time to time borrow on mortgage any further sum not exceeding in the whole three thousand pounds, but no part of that further sum shall be borrowed until the whole of the additional share capital of fifteen thousand pounds by this Act authorised is subscribed for, issued, and accepted, and one half of that share capital is paid up, and the Company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such share capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be a sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

31. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Application of moneys.

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

First ordinary meeting.

33. The first ordinary meeting of the Company shall be held in the month of September next ensuing after the passing of this Act, and the future ordinary general meetings shall be held in the months of March and September in every year.

Extent of balance sheets.

34. The balance sheet to be produced at the first ordinary general meeting or any adjournment thereof shall embrace and extend to the transactions of the Company during the period intervening between the time up to which the balance sheet presented at the general meeting of the original Company held in the month of February one thousand eight hundred and seventy-one and the thirtieth day of June one thousand eight hundred and seventy-one, and the balance sheet to be produced at each subsequent ordinary

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general meeting shall embrace and extend to the transactions of the Company during the half year immediately preceding the thirtieth day of June or the thirty-first day of December as shall have occurred next before the meeting at which that balance sheet is to be produced.

Quorum of general meetings.

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

Scale of voting.

36. The scale according to which shareholders may vote in respect of their shares shall be as follows:

Every holder of paid-up capital of the aggregate amount of twenty-five pounds and less than one hundred pounds shall have one vote:

Every holder of paid-up capital of the aggregate amount of one hundred pounds and less than two hundred and fifty pounds shall have two votes:

Every holder of paid-up capital of the aggregate amount of two hundred and fifty pounds and less than four hundred pounds shall have three votes:

Every holder of paid-up capital of the aggregate amount of four hundred pounds and less than six hundred pounds shall have four votes:

Every holder of paid-up capital of the aggregate amount of six hundred pounds or more shall have five votes:

But no person shall have any vote in respect of paid-up capital amounting to less than twenty-five pounds.

Extraordinary meetings may be convened by shareholders.

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

Number and qualification of directors.

38. The number of directors shall be nine, and the qualification of every director shall be the possession in his own right of not less than one hundred pounds in the capital of the Company.

Power to reduce the number of directors.

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

First directors.

40. The persons who at the time of the passing of this Act are directors of the original company, but who are not trustees thereof, and who are duly qualified, shall be the first directors of the Company.

As to retention of office by first directors.

41. The first directors of the Company shall continue in office until the first general meeting held after the passing of this Act;

at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the general meeting to be held in the month of September in every year the shareholders present in person or by proxy shall, subject to the power herein-before contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

As to future election of directors.

42. The quorum of a meeting of directors shall be five, or if the number of directors is reduced to five the quorum of a meeting of directors shall be three.

Quorum.

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

Auditors need not hold shares.

44. In all proceedings against the estate of any bankrupt or under any sequestration any person appointed for that purpose by the directors of the Company may represent the Company, and act in their behalf in all respects as if the claim or demand of the Company against such estate were the claim or demand of such person and not of the Company.

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

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

Power to take additional lands by agreement.

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

Power to take easements, &c. by agreement.

47. The Company may at any time hereafter sell and dispose of any lands which are by this Act vested in them, or which they may hereafter acquire, and which shall not be required for the purposes of the Company, and the provisions of "The Lands Clauses Consolidation Act, 1845," sections 128 to 132 (both sections inclusive),

Sales of superfluous lands.

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shall apply to any such sale, and the Company may also from time to time sell and dispose of any works, buildings, or erections on any lands belonging to them which shall not be required for the purposes of the Company.

Power to maintain and erect gasworks.

48. On the lands described in the schedule to this Act the Company may maintain and from time to time alter and enlarge retorts, gas holders, receivers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom, and all proper approaches and conveniences for the purposes of such works.

Prohibition against erecting gasworks, &c.

49. Provided always, that the Company shall not manufacture gas, or any such residual products aforesaid, except upon the lands described in the schedule to this Act, and the Company shall not store gas except upon those lands without the previous consent in writing of the owner, lessee, and occupier of every dwelling-house situate within three hundred yards of the lands where such gas is intended to be stored.

Power to supply gas.

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

Power to supply gas fittings, &c.

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

Power to lay pipes against buildings.

52. The Company with the consent of the owner and occupier of any building may lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting, and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to

time, with the like consent, repair, replace, alter, or discontinue and remove any such pipe, branch, or apparatus. A.D. 1871.

Limiting price of gas.

53. The price to be charged by the Company for gas supplied to persons who shall burn the same by meter shall not exceed five shillings and sixpence per one thousand cubic feet.

Price for lighting public lamps.

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

Consumers may be required to consume by meter.

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

Notice to Company of altering meters.

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

Repair of meters.

57. Every consumer of gas supplied by the Company shall at all times at his own expense keep all meters belonging to him whereby any gas of the Company is registered in proper order for correctly registering such gas, in default whereof the Company may cease to supply gas through such meters; and the Company shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

Power to the Company to let meters.

58. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meters and fittings, and for securing the safety and return to the Company of such meter, as may be agreed upon between the hirer and the Company, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Company for gas, and such meters and fittings shall not be subject to distress or to the landlords remedy for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be.

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Register of gas meter to be primâ facie evidence.

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

Power to remove meters and fittings.

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

Fraudulently injuring meters, &c.

61. Every person who shall wilfully, fraudulently, or by culpable negligence injure, or suffer to be injured, any meter or fittings belonging to the Company, or shall fraudulently alter the index to any meter, or shall prevent the index of any meter from duly registering the quantity of gas supplied, shall, without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender, for every such offence forfeit and pay to the Company a sum not exceeding five pounds, and the Company may in addition thereto recover the amount of any damages by them sustained, and the Company may also discontinue the supply of gas to the person so offending until the injury is remedied and the amount of the damages is paid, and notwithstanding any contract previously existing; and the existence of artificial means for causing such alteration or prevention when such meter shall be under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

For preventing frauds and waste of gas.

62. If and whenever any person supplied with gas by the Company wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of the Company's gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as

the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all loss, damage, or injury which the Company may sustain by reason of any such thing or failure, and the remedies of the Company under this enactment shall be in addition to their other remedies in that behalf.

Recovery of charges for gas.

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

Contents of warrant.

64. 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.

65. 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.

66. Whenever any person neglects to pay any rent or sum due and payable by him to the Company, the Company may recover the same in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedies of the Company under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

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

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

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

Quality of Company's gas.

68. All the gas supplied by the Company shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Company to maintain meter to test illuminating power of gas.

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

As to testing the quality of gas.

70. It shall be lawful for two justices on the requisition in writing of any consumers of the gas of the Company, not being less than five in number, by order in writing to appoint some competent person to proceed at all reasonable times, in the presence of the superintendent or other officer of the Company, to make experiment of the illuminating power of the gas, by means of the experimental meter and other apparatus before mentioned, and the Company and their officers shall afford all reasonable facilities and assistance for the making of such experiment.

Penalty upon Company if gas not of proper illuminating power, &c.

71. If it shall be proved to the satisfaction of any two justices, not being shareholders of the Company, after hearing the parties, that the illuminating power of the gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the Company or their officers, on being thereunto reasonably requested, wilfully refused to afford such reasonable facilities as aforesaid, or wilfully hindered or prevented the making of such experiment, in any such case the Company shall forfeit such sum, not exceeding twenty pounds, as the justices shall determine under the circumstances of the case.

Costs of experiment to be paid according to events.

72. 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 the costs shall be in the discretion of the justices.

Penalties not cumulative.

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

Liability to gas rent not to disqualify justices.

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

Expenses of Act.

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

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The SCHEDULE to which the foregoing Act refers.

Lands situate in the parish of Dorking, and bounded on the east by a public highway leading from the town of Dorking to Ranmore Common, called Station Road, on the north by land belonging or reputed to belong to and in the occupation of George Cubitt, Esquire, M.P., on the west by land belonging or reputed to belong to the said George Cubitt and in the occupation of Robert Wood, and on the south by a private road belonging or reputed to belong to the said George Cubitt.

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