CHAP. xxiv.

A.D. 1871.

An Act incorporating the Dunstable Gas and Coke Company, and authorising them to supply Gas and Water to the town of Dunstable and its vicinity, in the county of Bedford.

[25th May 1871.]

WHEREAS by an indenture dated the first day of June one thousand eight hundred and thirty-six certain persons formed themselves into a copartnership, for the purpose of supplying Dunstable with gas, under the name or title of "The Dunstable Gas and Coke Company" (in this Act called "the original Company"), and are now manufacturing and supplying gas to the borough of Dunstable and its vicinity:

And whereas it is expedient that the original Company should be incorporated and have greater powers conferred upon them for the purpose of more efficiently carrying on their undertaking:

And whereas the original Company have expended on capital account the sum of seven thousand five hundred pounds, which they have raised by means of five hundred shares of ten pounds each which are fully paid up, and five hundred shares of ten pounds each upon which five pounds a share have been paid up, and they have also from time to time expended on their undertaking, out of moneys applicable to dividend, further sums amounting to more than two thousand pounds:

And whereas the borough of Dunstable and its vicinity are inadequately supplied with water, and it is expedient that the Company be empowered to construct waterworks for the purpose of affording the necessary supply:

And whereas plans and sections showing the lines and levels of the proposed waterworks, and the lands to be taken for the purposes thereof, and a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and occupiers of those lands, have been deposited with the clerks of the peace for the counties of Bedford and Hertford respectively:

A.D. 1871.

And whereas the objects of this Act 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. This Act may for all purposes be cited as "Dunstable Gas and Water Act, 1871."

Provisions of general Acts herein named incorporated.

2. The "Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Gasworks Clauses Act, 1847," and "The Waterworks Clauses Acts, 1847 and 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in construing this Act and the Acts incorporated herewith, the expression "the special Act" means this Act; the expression "the Company" means the Company incorporated by this Act; the expression "the works," or "the gasworks," or "the waterworks," or "the undertaking," means the gasworks or the waterworks and works connected therewith respectively by this Act vested in the Company, or which they may construct under the powers of this Act; the expression "the local authority" means the town council, corporation, local board of health, highway board, commissioners, trustees, surveyors, or other bodies or persons entrusted with the control or lighting of the streets and roads within their jurisdiction; the word "street" shall extend to and include railways and other works of a like nature; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act for the supply of gas and water by the Company shall comprise and include the borough and parish of Dunstable and the parishes of Houghton-Regis, Chalgrave, Hockliffe, Totternhoe, and Caddington, in the county of Bedford.

A.D. 1871.

Dissolution of original Company.

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

Company incorporated.

6. The several persons and corporations who immediately before the passing of this Act were shareholders in the original Company, and all other persons and corporations who from time to time become entitled to shares of the capital of the Company, and their respective executors, administrators, successors, and assigns, are by this Act united into a company for supplying gas and water within the limits of this Act, and for other the purposes of this Act, and for those purposes are incorporated by the name of "The Dunstable Gas and Water Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Gasworks, &c. vested in Company.

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

Company to represent original Company.

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

General saving of rights.

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

A.D. 1871.

Company shall to all intents and purposes represent the original Company; provided that the generality of this provision shall not be restricted by any of the other provisions of this Act.

Contracts, &c. preserved.

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

Actions not to abate.

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

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

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

Reimbursement of shareholders in such case.

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.

Gas rents to be paid.

14. All gas rates or rents, meter rents, and other charges with respect to a supply of gas which immediately before the passing of this Act were due or payable or accruing or secured to the original Company, shall be payable and paid to and may be collected and recovered by the Company in like manner as any gas rates or rents, meter rents, or charges under this Act.

Debts to be paid.

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

Books, &c. to be evidence.

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

Officers continued.

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

Trustees of the original Company to be indemnified.

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

First ordinary meeting.

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

A.D. 1871.

Quorum of general meetings.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

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

First directors.

Election of directors.

24. William Jardine, William Milligan, Joseph Gutteridge, Joseph Osborne, John Chambers, Matthew Gutteridge, and John Pickering shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting in every subsequent year the shareholders present in person or by proxy shall (subject to the provisions in this Act contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office, in accordance with the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by that Act.

Directors not to be disqualified by being commissioners under Local Acts.

25. No person shall be disqualified as a director by being a commissioner or a trustee under any Act of Parliament, or member of any municipal corporation, local board, or highway board, for any public purposes within the limits of this Act, or mortgagee of rates, or justice of the peace for the division within which the works may be situate, and no shareholder of the Company shall be disqualified as such commissioner, trustee, or member by reason of any contract between the Company and the commissioners, trustee, corporation, or local board: Provided always, that no commissioner, trustee, or member who is a director or shareholder shall act or vote at any meeting of such commissioners, trustees, corporation, or board, or at any committee appointed by such commissioners, trustees, corpo-

ration, or board, on any question or with reference to any matter in which such director or shareholder has direct or indirect interest as a shareholder. A.D. 1871.

GAS.

Capital.

26. The capital of the Company in respect of their gasworks shall be twelve thousand pounds, subject to augmentation as hereinafter provided, whereof ten thousand pounds, representing the share capital of the original Company, shall be divided into one thousand shares of ten pounds each, to be called (A) shares, and two thousand pounds expended on works out of profits applicable to dividend shall be divided into one thousand shares of two pounds each, to be called (B) shares.

Allotment of original shares.

27. The (A) shares shall be allotted to the several persons and corporations who, immediately before the passing of this Act, were proprietors of or interested in the capital of the original Company, in proportion to their respective shares or interest in that capital, and such (A) shares shall vest in the said persons and corporations accordingly, but subject to all calls and other payments to which the shares so held by them in such capital were liable at the passing of this Act.

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

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

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

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

A.D. 1871.

Allotment of the remaining shares.

30. The (B) shares, representing a capital of two thousand pounds, shall be allotted as paid-up shares to the proprietors of (A) shares in proportion to their respective shares and interests in the capital of the original Company for and in respect of the money which has been expended on the gasworks out of their profits, and shall be in full of all claims to arrears of dividend.

Power to raise additional capital by new shares.

31. In addition to the said capital of twelve thousand pounds, the Company, for the purposes of their gasworks, may from time to time raise by the creation of new ordinary or new preference shares, or, at the option of the Company, by both of those modes, such further sum or sums as they may think proper, not exceeding twelve thousand five hundred pounds, in shares of ten pounds each, to be called (C) shares.

Limit of dividend.

32. The Company shall not in any year make out of the profits of their gasworks any larger dividend on the (A) shares of the Company than ten pounds in respect of every hundred pounds, nor any larger dividend on the (B) shares of the Company than five pounds in respect of every hundred pounds, nor more than seven pounds in respect of every hundred pounds actually paid on such of the (C) shares as may be issued as ordinary shares, nor more than six pounds in respect of every hundred pounds actually paid on such of the (C) shares as may be issued as preference shares; and if in any year the profits of the Company shall not be sufficient to pay dividend on the (A), (B), and ordinary (C) shares to the full amount aforesaid, they shall abate rateably.

Power to borrow on mortgage.

33. The Company may for the purposes of their gasworks, at any time after the passing of this Act, borrow on mortgage any sums not exceeding in the whole two thousand five hundred pounds, and they 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 (C) share capital of twelve thousand five hundred 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 fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such new share capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and

upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. A.D. 1871.

Gas capital.

34. All moneys raised under the authority of this Act for the purposes of the gasworks shall be applied to those purposes only.

Power to maintain gasworks.

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

Limiting quantity of land to be held.

36. The quantity of land which the Company may hold at any one time for the purposes of their gasworks shall not exceed four acres.

Power to take easements, &c. by agreement.

37. 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 for the purposes of their gasworks any easement, right, or privilege in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

No gasworks to be erected except on lands in schedule.

38. It shall not be lawful for the Company to make or maintain any works for the manufacture of gas except upon the lands at present occupied by the Company for that purpose or immediately adjoining thereto, and which lands are firstly described in the schedule to this Act; and the Company shall not store gas except upon the before-mentioned lands, or upon the lands secondly described in the said schedule, within three hundred yards of any dwelling-house, unless with the consent of the owner, lessee, and occupier thereof.

Power to supply gas, &c.

39. Subject to the provisions of this and the incorporated Acts, the Company may make and supply gas within the limits of this Act, and may convert, manufacture, sell, and dispose of coke, coal, tar, pitch, asphaltum, ammoniacal liquor, sulphate of ammonia, muriate of ammonia, chemicals, oils, and all other products, refuse,

A.D. 1871.

or residuum arising, remaining, produced by, or obtained from the manufacture of gas, or the materials used therein, and may manufacture and 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, and not so as to acquire any exclusive right therein) contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture and distribution of gas or the utilization of the residual products arising from the manufacture of gas, or otherwise in relation thereto, and may also manufacture and sell, let, or deal in, and fit and put up 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 may carry on the business usually carried on by gas companies, or which is or may become incident thereto.

Streets may be broken up.

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

Powers to lay pipes against buildings.

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

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

42. The Company shall, at the request in writing of any owner or occupier of any house, factory, or premises, or any public body or private company having premises within the limits of this Act, and within twenty yards of which premises any main gas pipe of the Company shall be then laid, furnish to such owner or occupier, public body, or private company, a sufficient supply of gas for such house, factory, or premises, together with a meter and so much of the service pipe as shall be necessary to communicate between the

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

Security for payment of rate.

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

Justice may determine the nature of security.

44. 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 of money the Company shall pay interest thereon to the consumer at the rate of five pounds per centum per annum for such time as the justice determines.

Quality of Company's gas.

45. All the gas supplied by the Company shall be of such quality as to produce from an argand burner, known as Suggs new London burner, or other approved burner, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by

A.D. 1871.

fourteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Company to erect a meter to test quality of gas.

46. The Company shall, within six months from the passing of this Act, cause to be erected at their works a testing place, with apparatus therein, so situated and arranged as to test the illuminating power of the gas supplied by the Company, and shall at all times thereafter keep and maintain the testing place and apparatus in good repair and working order.

As to testing the quality of gas.

47. 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 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 forfeit and pay to the consumers who made the requisition such sum, not exceeding twenty pounds, as the justices shall determine under the circumstances of the case.

Costs of experiment to be paid according to event.

48. The costs of and attending such experiments, including the remuneration to be paid to the person making the same and the costs of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the Company shall be paid, together with such penalty, but in the event of no penalty being imposed such costs shall be awarded to be paid by the persons signing the requisition to the Company, and shall be paid or levied accordingly.

Price of gas.

49. The maximum price at which gas shall be sold by the Company to all persons who shall burn the same by meter shall not exceed five shillings per thousand cubic feet, and so in proportion for any smaller quantity, within the present limits of the borough of Dunstable, and five shillings and sixpence per thousand cubic feet, and so in proportion for any smaller quantity, beyond the present limits of the borough.

For the supply of

50. The Company shall and they are hereby required, from time to time, and at such times as they may be called on so to do by the

local authority within the limits of this Act, to supply gas to all public lamps or burners within a distance of fifty yards from any of the mains of the Company, and that may be required for lighting any street or place within the limits of this Act, for such price, upon such terms, and during such hours as shall be settled by agreement between the Company and the local authority: Provided always, that the price per thousand cubic feet shall not exceed the lowest price for the time being charged by the Company to any private consumer.

gas to public lamps.

51. The gas supplied to the public lamps shall be consumed either by meter or otherwise, at the option of the local authority, and in case of its being consumed by meter the meter shall be provided and fixed by the Company at the expense of the local authority, but neither party shall, except as herein-after provided, be entitled to require that a meter be affixed to more than one in every twelve lamps then supplied with gas under this Act; provided that the Company shall be at liberty, if they think fit, to have a meter affixed to any additional number of lamps, they providing such meters, and paying to the local authority the additional expense of providing and adjusting the lamps, lamp-posts, and other things necessary for their reception and use: Provided always, that if the gas shall, under the provisions of this Act, be supplied to the public lamps by average meter indication, the Company shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps under the control of the local authority with proper self-acting pressure regulators and burners, to the satisfaction of the local authority.

Mode of consuming gas supplied to the public lamps.

52. The average amount of the indications of all the meters attached to the public lamps under the control of the local authority shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

As to meters for public lamps.

53. If either the Company or the local authority shall dispute the accuracy of the registration of any meter used for measuring the gas supplied to the public lamps, then such meter shall be tested in the manner provided by the Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating "measures used in the sales of gas," and if found to register erroneously within the meaning of the said Act, or in case any such meter shall be shown to have at any time ceased to register, notwithstanding gas may have passed through it to the burners, and notwithstanding such meter shall, on being submitted to the test, then act correctly, it shall not be deemed to be one of the meters from which the average aforesaid shall be determined.

As to testing accuracy of meters.

22 & 23 Vict. c. 66. (*Pub.*)

A.D. 1871.

As to the gas supplied to public lamps.

54. The gas supplied to any such public lamps shall be permitted to pass unrestricted to and from such self-acting regulator for the whole of the period during which any such public lamps shall be lighted.

For settlement of differences between the Company and the local authority.

55. Any difference which may arise under any of the provisions herein-before contained with respect to the local authority between the Company and any such local authority shall be from time to time settled by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

Local authority to provide lamp-posts, &c.

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

Local authority may agree for lamps.

57. The local authority may contract with the Company for providing and keeping in repair the public lamps, lamp-posts, burners, brackets, and irons, and for lighting and extinguishing public lamps, and with respect to any public lamp-posts, lamps, and fittings belonging to the Company, such lamp-posts, lamps, and fittings shall not be removed except at the instance or with the consent of the local authority, or in the event of the lighting of any lamp being discontinued, but the Company shall be entitled to receive for providing and maintaining such lamp-posts, lamps, and fittings such reasonable annual or other remuneration as may be mutually agreed upon, or as, in case of difference, shall be settled in manner herein-after mentioned.

Contracts for supplying gas for public purposes.

58. The Company on the one hand, and any corporation, local board of health, or other local authority, or the trustees of any turnpike or other road, or any highway board constituted in pursuance of any Act relating to highways in England, or the surveyors of any highway, or any other bodies or persons, on the other hand, may from time to time enter into and carry into effect any contract or arrangement for the supply of gas by the Company for public purposes within the limit of this Act, for any period not exceeding, under any one such contract or arrangement, seven years, and may from time to time, by mutual consent, vary, suspend, or rescind any such contract or arrangement, or enter into or carry into effect any other contracts or arrangements in lieu thereof and in addition thereto; and any corporation, board, trustees, bodies, or persons so agreeing may apply for the purposes of any such contract or arrangement, and in payment of any periodical or other remuneration, or other consideration payable to the Company, under

or by virtue thereof, any funds or moneys which they have raised or may raise under the powers of any Act of Parliament, and not required for the special purpose (if any) for which the same were authorised to be raised.

Consumers may be required to consume by meter.

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

Power to Company to let meters, &c.

60. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to repair of such meter and fittings, and for securing the safety and return to the Company of such meter, as may be agreed upon between the hirer and the Company; and such remuneration shall be recoverable in the same manner as the gas rents due to the Company, and such meters and fittings shall not be subject to distress for rent of the premises where the same are used, or to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy, against the persons having possession thereof.

Power to remove meters and fittings.

61. The Company, after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if there is no occupier, then to the owner or lessee, of any building or lands in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of gas is from any cause other than the default of the Company discontinued, may enter such building or lands between the hours of nine in the morning and four in the afternoon (or at any other time with the authority in writing of a justice) for the purpose of removing, and may remove, every such pipe, meter, and fitting, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode or business in England, or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Notice to Company of putting up meters, &c.

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

A.D. 1871.

person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

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

Register of meter to be primâ facie evidence.

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

Fraudulently injuring meters, &c.

65. If any person wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any pipe, meter, or fitting belonging to the Company, or fraudulently alters the index to any meter, or fraudulently prevents any such index from duly registering the quantity of gas supplied, he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds; and the Company may in addition thereto recover the amount of any damages sustained by them, and the Company may also discontinue the supply of gas to the person so offending until the injury is remedied and the amount of the damages are paid, notwithstanding any contract previously existing; and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such meter.

Company's officers to enter buildings.

66. The Company's agent or other officer duly appointed for the purpose by the Company may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with gas by the Company, in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of gas, and to see whether the meters, pipes, fittings, or other apparatus provided be in good repair; and if such agent or

other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

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

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

For preventing frauds and waste of gas.

68. If and whenever any person supplied with gas under this Act wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, or undue consumption of gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and may cease to supply him with gas as long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by them by reason thereof, and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Recovery of sums due.

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

A.D. 1871.

WATER.

Capital.

70. The capital of the Company for the waterworks shall be five thousand pounds, in five hundred shares of ten pounds each, subject to augmentation as herein-after provided.

Power to borrow on mortgage.

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

Power to raise additional capital.

72. When the said share capital of five thousand pounds is expended for the purposes of the waterworks, and is found insufficient for those purposes, it shall be lawful for the Company, with the consent of three fifths of the votes of the shareholders, voting personally or by proxy at any general meeting of the Company called for the purpose, to raise by the creation and issue of ordinary shares of ten pounds each any further sum not exceeding five thousand pounds.

Power to borrow further sums.

73. When such further sum of five thousand pounds is subscribed for and one half thereof is paid up, the Company may borrow on mortgage any further sums not exceeding one thousand two hundred and fifty pounds, in addition to and subject to the same conditions as are applicable to the sum of one thousand two hundred and fifty pounds herein-before authorised to be borrowed.

Water capital.

74. All moneys raised under the authority of this Act for the purposes of the waterworks shall be applied to those purposes only.

Power to construct waterworks.

75. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the works herein-after described, with all needful mains, pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected

therewith, and may enter upon, take, and use such of the lands delineated on the plans deposited as aforesaid and described in the deposited book of reference as may be required for those purposes. The works herein-before referred to and authorised by this Act are as follows:—

1. A pumping station, with shafts, wells, communications, pipes, and all other necessary works, in the parish of Houghton Regis in the county of Bedford, on part of a meadow belonging or reputed to belong to Edward Barnard of Bidwell in the said parish of Houghton Regis, and in the occúpation of George Olney, bounded on or towards the north by land belonging to and occupied by the Company, and also by the London and North-western Railway Company's station, and on the other sides by the remainder of the said meadow:
2. A road or way running by the south-west side of the London and North-western Railway Company's premises from the piece of land lastly described to the high road from Dunstable to Hockliffe, over a meadow belonging or reputed to belong to Thomas Sworder of Luton in the county of Bedford, and in the occupation of James Champness, for the purpose of laying pipes from the pumping station to the mains communicating with the reservoir:
3. A reservoir, with all necessary embankments, cuttings, filtering beds, sluices, culverts, pipes, roads, and other works connected therewith, on land in the said parish of Dunstable belonging or reputed to belong to the trustees of "The Poor's Land Charity," and occupied by William Hughes and William Duncombe respectively, bounded on the south by an occupation road leading from the turnpike road from Dunstable to London, and on all other sides by the property of the said Poor's Land trustees:
4. A conduit or line of pipe, commencing at the aforesaid pumping station in the said parish of Houghton Regis, thence proceeding to and along High Street North, High Street, and High Street South, in the borough and parish of Dunstable, and by the said occupation road, partly in the said parish of Dunstable and partly in the parish of Kensworth in the county of Hertford, to the reservoir before described.

Limits of lateral and vertical deviation.

76. In constructing the works authorised by this Act, the Company may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Company may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

A.D. 1871.

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

77. Any works to be constructed in exercise of the powers conferred by this Act in any way affecting the Leighton and Dunstable line of the London and North-western Railway, or any of its bridges or works, or any lands or property belonging to the London and North-western Railway Company, or in which they are interested, shall be done under the superintendence and to the reasonable satisfaction of their principal engineer, and according to such plans and at such times as shall be reasonably approved by him, before any such works are begun, but in all things at the expense of the Company, and so as to cause no injury to any such railway, bridges, works, lands, or property, or interference with the passage or conduct of traffic over such railway, or at any station thereof; and if any such injury shall arise to such railway, bridges, works, lands, or property, or interference with the passage or conduct of such traffic, either in construction or repair of any works of the Company, or by bursting of any of their mains, pipes, or other works, or otherwise howsoever, by reason of the exercise of the powers conferred by this Act, or by any neglect or default of the Company, the Company shall make full compensation to that Company for such injury or interference.

Non-interference with property of London and North-western Railway Company without consent.

78. Notwithstanding anything contained in this Act, it shall not be lawful for the Company in any manner to enter upon, excavate, bore under, take, appropriate, or use the railway station, station buildings, goods yard, and conveniences connected therewith, at Dunstable, belonging to the London and North-western Railway Company, or in which that Company is interested, or any part thereof, or the approaches thereto, without the consent of that Company under their common seal for that purpose from time to time first obtained.

Compensation water to London and North-western Railway Company.

79. If by reason of the sinking or making of any wells, shafts, or cuts, or the execution or operation of any other work by or of any act of the Company, the supply of water at the London and North-western Dunstable railway station from the well there shall be taken away or lessened, the Company shall at their own expense, on the request in writing of the London and North-western Railway Company, provide at all times in lieu, for the use of that Company, a supply of water sufficient for the purposes for which the water from the well at the said station has hitherto been used.

Period for compulsory purchase of lands.

80. The powers of the Company for the compulsory purchase of lands for the purposes of the waterworks shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

81. The waterworks shall be completed within five years from the passing of this Act, and on the expiration of that period the

powers by this Act granted to the Company for making those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that, subject to the restrictions and provisions of this Act, the Company may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, mains, pipes, reservoirs, and other works, in such way and manner as they may consider requisite or advisable for supplying water within the limits of this Act.

Lands for extraordinary purposes.

82. The Company may from time to time purchase by agreement for the purposes of the waterworks any quantity of land or any easements (not being a right of water in, over, or affecting any land) which they may think requisite, provided that such land shall not exceed three acres, in addition to the land which they are by this Act authorised to take by compulsion.

Parties may grant easements.

83. The persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell, 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 for the purposes of the waterworks any lands which by this Act they are authorised to take, or the right of user thereof, or any other easement, liberty, privilege, power, or authority in or over any such lands, except an easement of water.

Certain provisions of 10 & 11 Vict. c. 17. to extend to turnpike roads, &c.

84. The clauses and provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying pipes, shall extend and apply to the opening and breaking up by the Company of any turnpike roads or other public highways or footways, or any public bridges, within the limits of this Act, and also to the laying down and placing of pipes, conduits, and other works in, under, and along the said roads, footways, highways, and bridges respectively.

Water not necessarily under pressure.

85. Notwithstanding anything in "The Waterworks Clauses Act, 1847," contained or implied to the contrary, it shall not be incumbent on the Company to supply water under any degree of pressure greater than that afforded from their reservoir, nor need the water be constantly laid on under pressure.

Rates at which water is to be supplied for domestic purposes.

86. The Company shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house in any street in which any pipe of the Company is or shall be laid, or on the application of any person who, under the provisions of this Act or any Act incorporated herewith, shall be entitled to demand a supply of water for domestic purposes (which term domestic purposes shall include a supply of water to one watercloset), furnish to such owner or occupier or other person a sufficient supply of water for domestic

A.D. 1871.

uses at rates according to the annual rackrent or value of such dwelling-house; (that is to say,)

Where the annual rackrent or value of the premises so supplied with water shall not exceed five pounds, ten shillings:

Where such rackrent or value shall exceed five pounds and not exceed ten pounds, fifteen shillings:

Where such rackrent or value shall exceed ten pounds and not exceed fifteen pounds, twenty shillings:

Where such rackrent or value shall exceed fifteen pounds and not exceed twenty pounds, twenty-five shillings:

Where such rackrent or value shall exceed twenty pounds and not exceed thirty pounds, two pounds:

Where such rackrent or value shall exceed thirty pounds and not exceed forty pounds, three pounds:

Where such rackrent or value shall exceed forty pounds and not exceed fifty pounds, three pounds five shillings:

Where such rackrent or value shall exceed fifty pounds and not exceed sixty pounds, three pounds ten shillings:

Where such rackrent or value shall exceed sixty pounds and not exceed seventy pounds, four pounds five shillings:

Where such rackrent or value shall exceed seventy pounds and not exceed eighty pounds, five pounds:

Where such rackrent or value shall exceed eighty pounds and not exceed ninety pounds, five pounds ten shillings:

Where such rackrent or value shall exceed ninety pounds and not exceed one hundred pounds, six pounds five shillings:

Where such rackrent or value shall exceed one hundred pounds, at a rate per centum per annum not exceeding seven pounds ten shillings.

Rates for waterclosets and baths.

87. If there be more than one watercloset in any such house, then in addition to the rates before specified the Company may demand in respect of each such house, for every watercloset beyond the first an additional sum not exceeding eight shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as the rate for the supplying of water for domestic purposes: Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons, the Company may charge an increased rate in proportion to the size of such baths.

For preventing fouling of water.

88. The Company shall not be compelled to supply any person with water for waterclosets or baths, unless the apparatus or pipes provided or to be provided by such person shall be of such material and so constructed and used as to prevent the waste or

undue consumption of the water of the Company, and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company, nor shall they be compelled to supply water for any bath so constructed as to contain, when filled for use, more than fifty gallons of water.

Water supplied by agreement.

89. The Company may from time to time supply any person, body, or corporation with water for any purposes for which no specific rates are by this Act limited, for such remuneration and upon such terms and conditions as shall be agreed upon between the Company and the corporation, body, or person desirous of having the supply.

Company may sell by measure.

90. The Company may, if they think fit, enter into agreements for the supply of water by measure to any consumer.

Penalty for injury to and fraudulent use of meters.

91. Every person who shall wilfully, fraudulently, or by culpable negligence injure, or suffer to be injured, any meter, pipes, or fittings belonging to the Company, or who shall fraudulently alter the index to any meter, or shall knowingly and wilfully prevent any meter from duly and properly registering the quantity of water supplied, shall for every such offence forfeit to the Company a sum not exceeding five pounds, and the Company may in addition thereto recover the amount of any damage by them sustained.

Meters not to be altered or repaired except under direction or with consent of Company.

92. No meter, whether supplied by the Company or the consumer, shall be altered or repaired except under the direction or with the consent of the Company, or the surveyor or other officer of the Company, and the Company shall be entitled to keep all meters which may be provided by the consumer in repair, at the cost of the consumer, at such moderate rate of remuneration as may be agreed on between the Company and the consumer, or in case of dispute as may be fixed by two justices.

Domestic supply not to be prejudiced.

93. No person shall be entitled under this Act to a supply of water for any purposes other than domestic purposes, when the supply would interfere with the proper supply under this Act of water for domestic purposes.

Where several houses supplied by one pipe, each to pay.

94. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe: Provided always, that the Company shall not be compelled to supply water to the

A.D. 1871.

occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

Penalty for affixing tubes to Company's pipes without their consent.

95. It shall not be lawful for any owner or occupier of any house supplied with water by the Company, without the consent of the Company, to affix, or permit or suffer to be affixed, to any of the mains or other pipes of the Company, or to any service pipe of such owner or occupier, any gutta-percha or other tubes or pipes for the purposes of washing the windows or fronts of houses or other buildings, or the pavements or roads adjacent thereto, or for any other purposes whatsoever; and any person who shall act contrary to this enactment shall for every such offence forfeit to the Company any sum not exceeding five pounds.

Company may require pipes, &c. to be repaired.

96. The Company may, by notice in writing under the hand of their surveyor or other duly authorised officer, require any person who shall have suffered any pipe, cock, cistern, or other apparatus to be out of repair forthwith to put the same into a proper state of repair; and if such person shall not, within three days after the service of such notice, so repair such pipe, cock, cistern, or other apparatus as to prevent any waste of water therefrom, the Company may repair the same; and if the expenses of such repair shall not be repaid to the Company on demand, the same may be recovered by the Company as damages.

Power to turn off water in certain cases.

97. If any person supplied with water by the Company wilfully do or cause or knowingly permit to be done anything in contravention of the provisions of this Act with respect to the water or the supply of water, or wilfully neglect to do anything which under these provisions ought to be done for the prevention of waste, misuse, undue consumption, or contamination of the water of the Company, the Company may turn off the water supplied by them to such person, and cease to supply water to such person until the act complained of be remedied, and any penalty incurred thereby be paid.

GENERAL.

Restrictions may be imposed upon the sale of superfluous property.

98. Upon any sale by the Company under the provisions of "The Lands Clauses Consolidation Act, 1845," of any superfluous lands, or of any lands or hereditaments purchased by them under the powers of this Act, the Company may reserve to themselves all or any part of the water or water rights and other easements thereunto belonging, and may sell such lands and hereditaments subject to such reservations, and also subject to such special conditions, restrictions, and provisions with reference to the use of water,

and for preventing the exercise of noxious trades or businesses upon the premises, and for preventing or regulating the discharge and deposit of manure, sewage, and other impure matter and liquids, as they may think fit.

Shares not to be issued until one fifth paid up

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

Calls.

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

Receipts for disqualified persons.

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

For appointment of a receiver.

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

Power to create debenture stock.

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

Providing for separate accounts and deposit, &c. of annual accounts.

104. The Company shall keep separate accounts of the receipts and expenditure of capital and revenue respectively in relation to their gasworks and waterworks, and the account prescribed by the thirty-eighth section of "The Gasworks Clauses Act, 1847," and the account prescribed by the eighty-third section of "The Waterworks Clauses Act, 1847," shall respectively be made up to the thirty-first day of December in each year, and in the month of April following a copy of the said accounts signed by the chairman or secretary of the Company shall be transmitted free of charge to the town clerk of Dunstable instead of the clerk of the peace, as prescribed by those Acts, under a penalty of five pounds for each default, and the copies so sent shall be kept by the said town clerk, and shall be open to inspection by all persons at all reasonable hours, on payment of one shilling for each inspection, and no other fee of any kind shall be chargeable in respect of the said accounts.

A.D. 1871.

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

105. In case any consumer of the gas or water of the Company shall leave the premises where such gas or water has been supplied to him without paying to the Company the rent, rate, or meter rent due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Debts, &c. may be recovered by distress.

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

Recovery of rates.

107. 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, and the remedies of the Company under this enactment shall be in addition to their other remedies for the recovery of such rate or sum.

Liability to rent not to disqualify justice, &c.

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

Contents of summons, &c.

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

Costs of distress.

110. Any justice who issues a warrant of distress for any of the

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

Penalties not cumulative.

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

Expenses of Act.

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

A.D. 1871.

SCHEDULE referred to in the foregoing Act.

1. Land belonging or reputed to belong to and occupied by the Company for the purposes of their gasworks, situate in the parish of Houghton Regis in the county of Bedford, bounded on the east by land belonging or reputed to belong to Edward Barnard, on the west by land belonging or reputed to belong to the trustees of Samuel Foster, deceased, on the north by the London and North-western Railway, and by land over which the said Company have right of way, as after mentioned, and on the south by part of Brewer's Hill Farm, belonging or reputed to belong to Thomas Daniel Cook; and also full right of way as now used on the west side over the plot of land on the north side of the said railway from and to the turnpike road, and under the bridge of the railway, to and from the land before described.

2. Also land occupied by the Company, and upon which their gasholder now stands, being part of the Dog Kennel Close in the parish of Dunstable, in the county of Bedford, surrounded on all sides by land part of the said close belonging or reputed to belong to Mrs. Mary Brown and William Frederick Brown, Esquire, or one of them, together with a right of way to and from such gasholder from and to the high road leading from Dunstable to Hockliffe.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1871.