ANNO DECIMO NONO

VICTORIÆ REGINÆ.

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Cap. ix.

An Act for the better supplying with Gas the Parish of *Gainsborough* in *Lincolnshire*.

[29th *April* 1856.]

WHEREAS the Town of *Gainsborough* and its Neighbourhood have hitherto been supplied with Gas by certain Individuals, under the Name of the Proprietors of the *Gainsborough* Gasworks, who are the Owners of the Works and of the Land on which the same are erected; but from the Increase in the Consumption of Gas, it is expedient that the existing Gasworks should be extended and enlarged, and that the said Proprietors, together with such other Persons as shall contribute to the Undertaking, should be incorporated, and that certain additional Powers should be conferred on them; but these 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:

I. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Con- 8 & 9 Vict. cc. 16. & 18., and

10 & 11 Vict. c. 15., incorporated.

Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act: Provided always, that nothing in the said "Lands Clauses Consolidation Act, 1845," contained shall authorize the Company to take or use any Land unless with the Consent and by Agreement with the Owners, Lessees, and Occupiers thereof.

Short Title.

II. In citing this Act it shall be sufficient to use the Expression "The *Gainsborough* Gas Act, 1856."

Interpretation of Terms.

III. The Word "Company" in this Act shall mean the Company incorporated by this Act; the Words "the Proprietors" shall mean the present Owners of the *Gainsborough* Gasworks.

Limits of Act.

IV. The Limits of this Act shall extend to and include the various Townships, Hamlets, and other Parts of the Parish of *Gainsborough* in the County of *Lincoln*.

Incorporation of Company.

V. The several Persons at present the Proprietors of the said Gasworks, and all such other Persons as shall in pursuance of the Provisions herein-after contained contribute to the Capital of the said Undertaking, and their respective Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purposes herein-after mentioned, and for such Purposes shall be incorporated by the Name of "The *Gainsborough* Gas Company," and by that Name shall be a Body Corporate with perpetual Succession, and shall and may sue and be sued, and shall have Power from Time to Time to purchase and hold Lands for the Purposes of the Undertaking, not exceeding in the whole at any One Time Three Acres.

Objects of Company.

VI. The Company shall be incorporated for the Purpose of making and supplying Gas within the Limits of this Act, and for making and maintaining Gasworks for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions contained in this Act, and in the Acts incorporated herewith, and also for selling and disposing of Coke, Coal Tar, and of every Product, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, and also for manufacturing from the said Coke, Coal Tar, or other Residuum any other Product or Article, and for selling and disposing of the same.

Transfer of Property to Company.

VII. All and every the Lands and Buildings mentioned in the Schedule to this Act, and all other Lands, Erections, and Buildings purchased by or for the said several Persons, Proprietors of the *Gainsborough* Gasworks, or conveyed to them, or to any Trustee or Trustees on their Behalf, for the Purposes of the Undertaking, and now belonging

belonging to the Proprietors, and all and every the Gasworks, Gasometers, Ovens, Retorts, and other Works, Mains, and Pipes, Pillars, Posts, Lamps, Apparatus, Matters, and Things which have been by them purchased or provided, made, laid down, erected, or placed in any Street within the Limits of this Act, or which at the Time of the passing of this Act shall be the Property of and belonging to them, and all other Property whatsoever of a like Nature or Kind in any way connected with the said Gasworks, belonging to them or to any Trustee or Trustees in their Behalf, shall be and the same are hereby vested in the Company incorporated by this Act.

Saving Purchases and Contracts.

VIII. All Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Debentures, Contracts, Agreements, Securities, Orders, Resolutions, Proceedings, and other Acts and Things before the passing of this Act made, done, entered into, executed, or instituted by, from, with, to, for, or on behalf of the Proprietors, shall be good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, or with reference to the Company incorporated by this Act, in like Manner and to the same Extent as but for the passing of this Act they would have been good, valid, and effectual for, against, or with reference to the Proprietors, and may be enjoyed, proceeded on, and enforced accordingly.

Saving Actions and Penalties.

IX. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Proprietors before the passing of this Act, shall abate or be discontinued or prejudicially affected by or in consequence of the passing of this Act, but, on the contrary, the same respectively shall continue and take effect in favour of or against (as the Case may be) the Company, in like Manner in all respects as they would have continued or taken effect in favour of or against the Proprietors if this Act had not been passed, and all Offences committed, or Torts suffered, or Remedies accrued, or Penalties incurred before the passing of this Act, may be prosecuted, enforced, or sued for by or against the Company in like Manner as but for the passing of this Act they might have been prosecuted, enforced, or sued for by or against the Proprietors.

Debts transferred.

X. All Persons who immediately before the passing of this Act owed any Sum of Money to the Proprietors, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue for the same, to the Company; and all Debts and Monies which immediately before the passing of this Act were due or owing by or recoverable from the Proprietors, or for the Payment of which they were, or but for the passing of this Act would have been liable, shall be paid by or be recoverable from the Company, together with all Interest (if any) due or to accrue thereon.

XI. The

Capital.

XI. The Capital of the Company shall be Twenty thousand Pounds, whereof Twelve thousand Pounds is and shall bear the Name of "Original Stock," and shall be deemed fully paid up; and the remaining Eight thousand Pounds shall be divided into Four hundred Shares of Twenty Pounds each.

Original Stock.

XII. The said Original Stock shall be divided amongst the Proprietors, or their respective Executors, Administrators, Successors, and Assigns, according to the respective Shares and Proportions in the Undertaking held by them immediately before the passing of this Act; and the said Original Stock is hereby vested in the Proprietors according to their respective Shares and Proportions; and it is hereby declared, that the said Holders of the said Original Stock shall be entitled to and shall receive Interest thereon at the Rate of Five *per Centum per Annum* from the Day to which the last Dividend shall have been computed unto the Day on which the First General Meeting shall be held, according to the Provisions herein-after contained.

New Shares.

XIII. The remaining Shares shall be called "New Shares," and One Half of them shall be first offered to the Holders of Original Stock in proportion to the Quantity of Original Stock held by them; and in case any of the said Holders refuse or fail to accept the New Shares for One Month after the same have been offered, or shall elect to accept a less Number than are so offered to them, in either Case the Shares so refused to be accepted shall be added to the remaining Two hundred Shares, and shall together with those Shares be disposed of by Public Auction, or in such other public and open Manner as the Directors shall deem most advisable, for the most Money which can be obtained for them, and the Premiums and Bonuses, or the Discounts and Losses arising from the Sale of the said Shares, shall be added to or be abstracted from the Capital of the Company, as the Case may be.

Calls.

XIV. The Amount of any Call on the said new Shares shall not exceed Two Pounds *per* Share, and the Interval between any Two successive Calls shall not be less than Four Months.

Mortgages.

XV. It shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond any Sum or Sums of Money not exceeding in the whole at any One Time the Sum of Five thousand Pounds, and there shall not be due at any Time from the Company on Mortgage or Bond a Sum greater than One Fourth of the Capital of the Company at that Time actually paid up, and no Part of the said Sum of Five thousand Pounds shall be borrowed until the whole of the said New Shares for the Sum of Eight thousand Pounds shall be subscribed for, and One Half of such Sum shall have been paid up.

XVI. The

Arrears may be enforced by Appointment of a Receiver.

XVI. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest or the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver; and the Amount so due to authorize the Appointment of a Receiver shall be Two thousand Pounds at the least; provided that notwithstanding anything in "The Companies Clauses Consolidation Act, 1845," to the contrary, all Money to be received by a Receiver shall be so much Money received by or to the Use of all the Mortgagees for the Time being of the Company, according to the respective Sums for the Time being due to such Mortgagees.

Application of Monies.

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

General Meetings.

XVIII. Notice of every General Meeting shall be forwarded by Post, Ten clear Days at least before every such Meeting, to every Proprietor of original Stock or new Shares, directed to such Proprietor's Address as entered on the Share or Stock Register of the Company; and the First General Meeting of the Company shall be held within Three Months after the passing of this Act.

Votes.

XIX. The Scale of voting at General Meetings shall be One Vote for every Twenty Pounds of Original Stock, and One Vote for every New Share of Twenty Pounds held by any Proprietor.

First Directors.

XX. *George Gamble* and *Adam Stark* are hereby appointed the First Directors of the Company, and shall retire from Office at the First Ordinary General Meeting after the passing of this Act; and at the said Meeting the Shareholders present, personally or by Proxy, shall elect a new Body of not fewer than Three Directors, the said *George Gamble* and *Adam Stark* being eligible to be Members of such new Body.

Numbers, Quorum, and Qualification of Directors.

XXI. It shall be lawful for the Company from Time to Time to increase or diminish the Number of Directors, so that the Number of Directors be not fewer than Three or more than Five; a Quorum of Directors shall be a Majority of the entire Number; and the Qualification of a Director shall be the Possession in his own Right of at least Four hundred Pounds of Stock or Shares in the Company.

Their Remuneration.

XXII. No Director shall be entitled to any Remuneration if the maximum Price of Gas charged to Consumers by Meter shall exceed Five Shillings *per* One thousand Cubic Feet, and if the Dividends paid for the Year preceding shall not be at least Six *per Centum* on the Amount of Capital paid up, and in no Case shall the total Amount

paid to the Directors as Remuneration exceed Five *per Centum* of the Amount paid as Dividends in the Year next immediately preceding.

Commissioners, &c. not disqualified.

XXIII. No Person shall be disqualified as a Director by being a Commissioner, Trustee, or Member of a Board under any Act of Parliament for any public Purposes within the Limits of this Act; and no Holder of original Stock or new Shares in this Company shall be disqualified as such Commissioner, Trustee, or Member of a Board by reason of any Contract between the Company and the Commissioners, Trustees, or Board: Provided always, that no Commissioner, Trustee, or Member of a Board who is a Director or Shareholder shall act or vote at any Meeting of such Commissioners, Trustees, or Board, or at any Meeting of any Committee appointed by such Commissioners, Trustees, or Board, on any Question or with reference to any Matter in which such Director or Shareholder has a direct or indirect Interest as a Shareholder.

Additional Land.

XXIV. In addition to the Two Parcels of Land described in the Schedule to this Act, and which are by this Act vested in the Company, the Company may by Agreement purchase or take any other Lands, not exceeding with the said Two Parcels of Land in the whole Three Acres, or any Estate, Term, or Interest in any such Lands: Provided always, that nothing in this Act shall enable the Company to erect or maintain Works for the Manufacture of Gas except upon the Two Parcels of Land set forth in the Schedule to this Act.

Power to erect Works, &c.

XXV. The Company from Time to Time may maintain, make, repair, renew, provide, alter, discontinue, pull down, and re-erect the now existing Gasworks, and all such Retorts, Ovens, Gasometers, Receivers, Sewers, Drains, Mains, Pipes, Pillars, Posts, Machinery, Fittings, Meters, and other Works and Apparatus, and such Buildings and Approaches, and do all such Acts as they think proper for making, storing, and supplying Gas within the Limits of this Act; and may manufacture, sell, and dispose of Coke, Coal Tar, and all other Products and Residua of any Articles employed in or resulting from the Manufacture of Gas; and may convert or manufacture the Coke, Coal Tar, or any other Products or Residua into any other Product or Article as they from Time to Time think fit; and also may manufacture, purchase, fix, sell, deal in, or let for hire Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks or with the Distribution and Supply of Gas for Consumption; and may in all other respects carry on the Business of a Gas Company.

Company must extend Supply in

XXVI. The Company shall from Time to Time carry their Mains into or through any Streets within the Limits of this Act not already lighted

lighted with Gas, for the Purpose of lighting the same with Gas, which the *Gainsborough* Local Board of Health, or other the Persons having the lighting of the Streets therein from Time to Time require the Company to light, and upon such Terms and Conditions as shall be mutually agreed on; provided that no such new Main shall be so required to be laid during the Months of *November*, *December*, *January*, and *February*. certain Cases.

XXVII. On the Expiration of the existing Contract for lighting the Street Lamps, the Company shall be required to supply the Street Lamps, either by Meter or by Contract, as the said Local Board or other Persons having the lighting of the Streets may elect, and in no Case shall the Company have Power to charge for the Gas supplied to the Street Lamps a higher Price than the average Price charged to other Consumers. As to public Lamps.

XXVIII. In case any Difference shall arise between the Company and the said Local Board, or other the Persons having the lighting of the Streets, either as to the Price of Gas, the extending of their Mains, or any other Matter or Thing relating thereto, and comprehended within the Provisions of this Act, the same Difference shall be referred to Her Majesty's Justices of the Peace acting for the Division of *Lindsey* in the County of *Lincoln*, and shall be heard before Two or more of the said Justices at the Petty Sessions at *Gainsborough*, and the Decision of the said Justices shall be without Appeal, and binding and conclusive on both Parties. Arbitration.

XXIX. Subject to the Provisions of "The Gasworks Clauses Act, 1847," the Company may lay any Mains or Pipes into, through, or along any Streets within the Limits of this Act, and any Pipes, Branches, and other necessary Apparatus from the said Mains and Pipes into, through, or against any Building for the Purpose of lighting the same, and may provide and set up any Apparatus necessary for securing to any Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply. Power to set up Pipes, &c.

XXX. The Gas to be supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas an Hour, a Light equal in Intensity to the Light produced by Ten Sperm Candles of Six in the Pound, burning One hundred and twenty Grains an Hour. Quality of Gas.

XXXI. The Company shall within Six Months after the passing of this Act cause to be erected in some convenient Part of their Works an Experimental Meter, furnished with an Argand Fifteen-hole Burner and Company to erect a Meter to test Purity of Gas.

and a Seven-inch Chimney, or other approved Burner and Chimney, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Power to Local Board to test the Purity of the Gas.

XXXII. It shall at any Time be lawful for the Local Board of Health by Order in Writing to appoint some competent Person, not being a Member, or Officer, or Servant of such Board, to proceed to the Works of the Company, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Company, may at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Company, and, in the Presence of the Superintendent or other Officer of the Company, make Experiment of the illuminating Power of the Gas by means of the Experimental Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall be proved to the Satisfaction of any Two Justices, not being Directors or Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the Justices shall determine.

Penalty in case of Default.

Costs of Experiment to be paid according to the Event.

XXXIII. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same and the Costs of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company, shall be paid together with such Penalty by the Company; but in the event of the Gas been found, when tested, to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid by the Local Board of Health to the Company, and shall be paid or levied accordingly.

As to Price of Gas.

XXXIV. The highest Charge by the Company for Gas supplied by Meter shall not exceed the Rate of Five Shillings and Sixpence *per* One thousand Cubic Feet.

If required, Meters to be used and supplied by Company.

XXXV. Every private Consumer of Gas supplied by the Company shall, if required by the Company, consume the Gas supplied to him by Meter; and such Meter, if provided by the Consumer, shall be approved by the Company before it is used and during the User thereof, and the Company shall, if required by the Consumer, supply the Meter, and shall be entitled to charge for the Use thereof the following Rents; namely,

For

For a Two-light Meter, Two Shillings and Eightpence *per Annum*:
For a Three-light Meter, Four Shillings and Fourpence *per Annum*:
For a Five-light Meter, Five Shillings and Fourpence *per Annum*:
For a Ten-light Meter, Six Shillings and Eightpence *per Annum*:
For a Twenty-light Meter, Nine Shillings *per Annum*:

Provided always, that the Company shall not be bound to supply any Meter exceeding a Twenty-light Meter, and that the Charge for the Use of a Meter shall be for One whole Year, and shall be payable in advance, and (if required by the Company) the Consumer requiring the Meter shall give good and sufficient Security for the said Meter, and if the Company and the Consumer cannot agree upon the Security so to be given, the same shall be determined by One or more of Her Majesty's Justices of the Peace acting as aforesaid, and the Decision of such Justice or Justices shall be final and conclusive.

As to fraudulent Use of Meters.

XXXVI. Every Person who knowingly or wilfully prevents any Meter from duly registering the Quantity of Gas supplied by the Company, shall for every such Offence forfeit and pay to the Company a Sum not exceeding Five Pounds; and any such Prevention caused by artificial Means, where such Meter shall be under his Custody or Control, shall be *primâ facie* Evidence of such Knowledge on the Part of the Consumer using any such Meter.

As to Recovery of Pipes and Meters.

XXXVII. In all Cases in which the Company are by this Act, or by "The Gasworks Clauses Act, 1847," authorized to cut off and take away the Supply of Gas from any House, Building, or Premises, then if such House, Building, or Premises be unoccupied, the Company, their Agents, Servants, or Workmen, may enter into the same between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, Fittings, or other Articles and Things, the Property of the Company: Provided always, that it shall not be lawful for the Company so to enter, unless they shall Ten Days previously have given Notice in Writing of their Intention so to do to the Owner of the Premises, by leaving the same Notice at his last known Place of Abode.

Inspector of Meters.

XXXVIII. The Justices as aforesaid may from Time to Time, if they think fit, appoint an Inspector of Meters, and such Inspector shall have at all Times, on the Application and at the Expense of any Consumer, a Right to inspect and to test the Meter or Meters erected or placed by the Company on the Premises of the Person making such Request, after giving Twenty-four Hours Notice in Writing of such intended Inspection to the Company, and if on any such Inspection the said Inspector shall find that any such Meter is not a good and proper Meter, or does not accurately register the Quantity of

Gas consumed, the Company shall remove the same and supply its Place with a good and proper Meter on being requested in Writing by such Consumer so to do, and on having such Security (if required by them) as is by this Act provided for, and in failure thereof for Seven Days shall forfeit to such Consumer not exceeding Twenty Shillings for each Day during which such Failure continues.

Costs of Distress and Hearing.

XXXIX. Any Justice who issues any Warrant of Distress for any Purposes of this Act, or the Acts incorporated herewith, may order that the Costs of the Company of and incident to 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, and any such Warrant may contain in the Body thereof or in a Schedule thereto several Names and several Sums: Provided always, that unless on Cause being shown by the Company to any Justice he see fit to issue his Warrant of Distress without a previous Summons, he shall not issue his Warrant of Distress unless the Party complained against be previously summoned by a Justice to appear before him or some other Justice at a Time and Place named in such Summons, and the Time for such Appearance has elapsed.

Penalties not to be cumulative.

XL. Where by more than One of the Acts incorporated with this Act any Penalty is imposed on the Company for one and the same Offence, and also when by this Act any Penalty is imposed on the Company for any Offence and by any other Act of Parliament now in force, whether incorporated with this Act or not, any Penalty is imposed for the same Offence, the Penalties shall not be cumulative.

Advertisements.

XLI. The Newspaper for Notices by Advertisement shall be some Newspaper published in the County of *Lincoln*.

Saving Rights of Lord of Manor.

XLII. Nothing in this Act shall in way alter, affect, annul, extinguish, defeat, release, abridge, prejudice, or destroy the Rights, Privileges, and Interests of *Henry Bacon Hickman* Esquire, the Lord of the Manor of *Gainsborough* aforesaid, or of the Lord for the Time being of the said Manor, save as the same may be affected by the due and lawful Exercise of the Powers of the Company of laying down Pipes for the Conveyance and Transmission of Gas for the Purposes of this Act.

Expenses of Act.

XLIII. All the Expenses of and incident to the preparing, for obtaining, and passing of this Act shall be paid by the Company.

SCHE-

SCHEDULE

Describing Land and Property belonging to the Proprietors and vested in the Company.

A Parcel of Land now belonging to the Proprietors of the Gainsborough Gasworks, with the Buildings, Works, and Apparatus thereon, and also a certain Parcel of Land lately purchased by the said Proprietors of William Hardy, adjoining to the said Lands of the said Proprietors, and bounded by the same on the South Side thereof; which said Two Parcels of Land are bounded as follows: on the South by the Old Workhouse Lane; on the West by the Morton Road; on the North by the Properties of William Coddington and the Representatives of Cottam, deceased, and occupied by Luke Wray, Mary Emerson, William Johnson, Sarah Newcomb, James Richardson, William Cockayne, John Woodcock, Thomas Hibbert, Alfred Smith, and Henry Greenwood, or their Under-tenants; and on the East by the Pinfold Road; and the same Two Parcels of Land are situate in the Parish of Gainsborough, in the County of Lincoln.

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