ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. cxviii.

An Act to consolidate the Powers of the *Gloucester* Gaslight Company, to enable them to raise Money, and for other Purposes.

[21st *July* 1856.]

WHEREAS by the Local and Personal Act First *George* IV., Chapter Ten, the *Gloucester* Gaslight Company (hereinafter called "the Company") was incorporated, with a Capital of Thirteen thousand Pounds divided into Two hundred and sixty Shares of Fifty Pounds each, and empowered to light with Gas the City of *Gloucester* and the Suburbs thereof, but no Power of borrowing Money was given by that Act: And whereas by the Local and Personal Act Fourth and Fifth *William* IV., Chapter Fifty-two, the Powers of the Company were enlarged, and the Suburbs of the said City were for the Purposes of that Act declared to extend to and include all Places and Parts of Places within One Mile from the Boundary of the said City, and the Company were authorized to raise the further Sum of Twenty thousand Pounds by the Creation of new Shares of the Amount of Twenty-five Pounds each, or by Mortgage; and Provision was thereby made for the Division of the said original Shares of Fifty Pounds each into Shares of Twenty-five Pounds each, and those Shares were accordingly divided into Five hundred and twenty Shares of Twenty-five Pounds each: And whereas, in addition

1 G. 4. c. x.

4 & 5 W. 4. c. lii.

to their original Capital of Thirteen thousand Pounds, the Company have, under the Powers of the lastly-recited Act, raised, by the Creation of Four hundred and eighty new Shares in their Undertaking of the Amount of Twenty-five Pounds each, the Sum of Twelve thousand Pounds, and have borrowed on Mortgage Eight thousand Pounds, and have expended the whole of those Sums for the Purposes of their Undertaking; And whereas since the passing of the recited Acts the Population and the Number of Houses and public and private Buildings and Works within the said City and Suburbs have greatly increased, and in order to meet the increased and increasing Demand for Gas therein it is expedient that the Company should be enabled to construct additional Works and raise additional Money for the Purpose of increasing their Supply: And whereas in order to avoid the Inconveniences arising from several Acts relating to the same Purposes being in force at the same Time it is expedient that the said recited Acts be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted or continued by this Act: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Acts repealed.

I. The said recited Acts of the First Year of the Reign of King *George* the Fourth, and the Fourth and Fifth Years of the Reign of King *William* the Fourth, shall be and the same are hereby repealed, but subject to the Provisions contained in this Act.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Gloucester* Gaslight Company's Act, 1856."

8 & 9 Vict. cc. 16. & 18., and 10 & 11 Vict. c. 15. incorporated.

Construction of Terms.

III. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall be and the same are hereby incorporated with this Act; and in construing those Acts respectively in connexion with this Act the Expression "the Special Act" shall mean this Act, the Expressions "the Company" and "the Undertakers" respectively shall mean the Company incorporated by the said firstly-recited Act and continued by this Act, and the Expressions "the Undertaking" and the "the Gasworks" respectively shall include all the Works of the Company executed and to be executed, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, and the Expression "Quarter Sessions" in the

the said incorporated Acts shall mean the Quarter Sessions for the City of *Gloucester*; and the Clauses of "The Companies Clauses Consolidation Act, 1845," with respect to the Conversion of borrowed Money into Capital, shall extend and apply to the Sum of Eight thousand Pounds now due from the Company on Mortgage, as well as to the Sums which they are by this Act authorized to borrow: Provided always, that nothing in "The Lands Clauses Consolidation Act, 1845," contained shall authorize the Company to purchase, take, or use any Land otherwise than by Agreement with the Owners, Lessees, and Occupiers thereof.

Limits of Act.

IV. The Limits of this Act shall comprise and include the whole of the City of *Gloucester* as it existed immediately before the passing of the Act Second *William* IV., Chapter Forty-five, to amend the Representation of the People in *England* and *Wales*, and all Places and Parts of Places within One Mile from the Boundary of the said City, and within such Limits the Company may supply Gas for public and private Purposes.

Company to continue incorporated.

V. Notwithstanding the Repeal of the recited Acts, the Company shall for the Purposes of this Act be and continue incorporated by the Name of "The *Gloucester* Gaslight Company," and by that Name shall be and continue One Body Corporate, with perpetual Succession and a Common Seal, and Power to sue and be sued, and (subject to the Restrictions in this Act) with Power to make, maintain, alter, discontinue, and remove Gasworks, and to supply Gas, and to carry on the Business of a Gas Company, and to purchase, hold, and dispose of Lands and other Property for the Purposes of their Undertaking.

Liability of Company continued.

VI. Notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered respectively under the repealed Acts, or either of them, shall be as valid as if this Act were not passed; and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened, and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Rights, Liabilities, Claims, and Demands the Company as by this Act continued shall represent the Company incorporated by the firstly-recited Act: Provided always, that the Generality of the Provisions contained in this Enactment shall not be confined or restricted by any Provision contained in this Act.

Company to continue entitled to the Property.

VII. Notwithstanding the Repeal of the recited Acts, the Company shall be and remain seised and possessed of and entitled to all the

the Gasworks, Gasometers, Retorts, Apparatus, Machinery, Mains, Pipes, Lamps, Lamp-posts, Brackets, Fittings, Gauges, Meters, Engines, Works, and Conveniences, and all Lands, Tenements, Hereditaments, Buildings, Easements, Appurtenances, Rights, Powers, Privileges, Goods, Chattels, Choses in Action, Monies, Effects, Bonds, Deeds, Books, Writings, Papers, Maps, Plans, and Personal Estate and Property, Claims and Démands whatsoever, of or to which the Company, or any Person in trust for them, is or are, or was or were, under or by virtue of the repealed Acts, or either of them, or otherwise howsoever, immediately before the passing of this Act seised, possessed, or in anywise entitled at Law or in Equity, or otherwise howsoever, and that as fully and effectually to all Intents and Purposes whatsoever as if this Act were not passed; and the Company may, according to the Provisions of this Act, maintain and use, alter, discontinue, or remove such Gasworks, Gasometers, Retorts, Mains, Pipes, Lamps, Lamp-posts, Brackets, Fittings, Gauges, Meters, Apparatus, Machinery, Engines, Works, and Conveniences.

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

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

Conveyances, &c. to remain in force.

IX. Notwithstanding the Repeal of the recited Acts, all Purchases, Conveyances, Grants, Assurances, Leases, Mortgages, Bonds, Contracts, Agreements, and other Acts, Deeds, and Things before the passing of this Act done, entered into, executed, or instituted under or by virtue or with reference to the Purposes of the repealed Acts, or either of them, shall be as good, valid, and effectual to all Intents and Purposes whatsoever for, against, and with reference to the Company as if the recited Acts had not been repealed, and may be proceeded on and enforced accordingly.

X. Notwith-

Actions, &c. not to abate.

X. Notwithstanding the Repeal of the recited Acts, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the passing of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Company in like Manner in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the recited Acts, or of either of them, committed before the passing of this Act, may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if the recited Acts had not been repealed.

Gas Rates &c. to be recovered.

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

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

XII. Notwithstanding the Repeal of the recited Acts, all Persons and Corporations who immediately before the passing of this Act owed any Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the Company; and all Debts and Monies which immediately before the passing of this Act were due or owing or recoverable from the Company, or for the Payment of which the Company are, or but for this Act would be liable, shall be paid, with all Interest (if any) due or payable or accruing for the same, by or be recoverable from the Company.

Books, &c. to be Evidence.

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

Transfers, &c. to remain in force.

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

Byelaws, &c. to remain in force.

XV. Notwithstanding the Repeal of the recited Acts, all Byelaws, Resolutions, Rules, Notices, Regulations, and Orders made under the said recited Acts, or either of them, shall continue in force until the same

same be repealed, altered, or varied under this Act, and such Bye-laws, Resolutions, Rules, Notices, Regulations, and Orders, and all Penalties and Forfeitures thereby respectively imposed, may and shall be enforced, recovered, and applied by the Company in the same Manner in all respects as if the same had been made and imposed respectively under this Act.

Officers, &c. to continue until removed.

XVI. Notwithstanding the Repeal of the recited Acts, all Officers and Servants appointed by virtue of or acting under the Authority of those Acts, or of either of them, shall hold and enjoy their respective Offices and Employments, together with the Salaries and Emoluments thereunto annexed, until they shall be removed therefrom, and shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into execution; and all such Officers and Servants and their respective Sureties shall be subject and liable to the like Conditions, Obligations, Pains and Penalties, and to the like Powers of Removal, and to the like Rules, Restrictions, and Regulations in all respects whatsoever, as if they had been appointed and such Sureties had become bound respectively under this Act.

Capital.

XVII. The Capital of the Company shall be Forty-six thousand four hundred Pounds; and Twenty-five thousand Pounds, Part of that Capital, shall be divided into One thousand Shares of Twenty-five Pounds each, and those Shares shall be distinguished as the *Gloucester* Gaslight Company's Class A. Shares, and shall be appropriated and belong to the several Persons and Corporations who immediately before the passing of this Act were the Holders of the One thousand then existing Shares of Twenty-five Pounds each in the Capital of the Company, in the Proportion of One Class A. Share in substitution for each such Share of Twenty-five Pounds held by them respectively immediately before the passing of this Act, and all the said Class A. Shares shall be deemed fully paid up.

Certificates of old Shares to apply to new Class A. Shares.

XVIII. The existing Certificates of Proprietorship numbered One to One thousand (both inclusive), and in force immediately before the passing of this Act, shall, until called in, be the Certificates for and Evidence of the Proprietorship of the said Class A. Shares, and it shall not be necessary for the Company to issue fresh Certificates in respect of such Shares under the Provisions of "The Companies Clauses Consolidation Act, 1845," except in Cases where such Certificates shall be worn out, damaged, lost, or destroyed, but the Company may, if they think fit, at any Time call in such Certificates, and issue others instead thereof.

Substituted Shares to be held on same

XIX. Every Class A. Share shall vest in the Person or Corporation entitled thereto upon the same Trusts, and subject to the same Powers, Provisions,

Provisions, and Liabilities, as those which immediately before the passing of this Act affected the then existing Share for which it is substituted, and so as to give effect to and not to revoke any Will or Testamentary Disposition of or affecting such then existing Share. Trusts, &c. as old Shares.

XX. Subject to the Provisions of this Act, the Company may from Time to Time, with the Consent of Three Fifths at least of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting of the Company specially convened for that Purpose, raise by the Creation and Issue of new Shares such Part of the Capital of the Company as shall not for the Time being have been raised. Power to raise Money by Creation of new Shares.

XXI. If at the Time of raising any additional Share Capital under the Powers of this Act the then existing Shares shall be at a Premium, or of greater actual Value than the nominal Value thereof, the new Share Capital to be then raised shall be divided into Shares of such Amount as will allow the same to be conveniently apportioned among the then Holders of then existing Shares in the Capital of the Company in proportion to the Number of such existing Shares held by them respectively at the Time of the Creation of such new Shares; and such new Shares shall be offered to them at Par in that Proportion, and such Offers shall be made by Letter under the Hand of the Secretary of the Company given to or sent by Post addressed to each Shareholder according to his Address in the Books of the Company, or left for him at his usual or last known Place of Abode in the United Kingdom; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the ordinary Course of Delivery ought to reach the Place to which it is addressed. If old Shares at a Premium new Shares to be offered to existing Shareholders.

XXII. The new Shares so offered shall vest in and belong to the Shareholders who shall accept the same, and who shall pay to the Company the Calls thereon at the Times and by the Instalments which shall be fixed by the Company. Vesting of new Shares.

XXIII. Provided always, That if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, and to pay the Instalments called for in respect thereof, the Company may dispose of such Shares in such Manner, to such Persons or Corporations, and on such Terms, as they may think fit. Disposition of Shares not taken by existing Shareholders.

XXIV. If at the Time of raising any such additional Share Capital the then existing Shares be not at a Premium, then the new Shares may be of such Amount, and may be issued in such Manner and on such Terms, as the Company shall think fit. If not at a Premium, to be issued as the Company think fit.

XXV. If,

Company may cancel unissued Shares.

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

Dividend on new Shares.

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

Limit of Dividend.

XXVII. With reference to the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit, the prescribed Rate of Profit to be divided among the Undertakers shall, as regards the said Class A. Shares, be Ten Pounds in the Hundred by the Year, and as regards all new Shares to be created under the Powers of this Act be Seven Pounds Ten Shillings in the Hundred by the Year, on the Capital for the Time being paid up on those new Shares.

Receipts of Guardians, &c. to be sufficient Discharges.

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

Calls.

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

Power to borrow on Mortgage.

XXX. It shall be lawful for the Company when the whole Capital of Forty-six thousand four hundred Pounds is subscribed for, and One Half thereof paid up, to borrow on Mortgage of their Undertaking or on Bond such Sums of Money as may from Time to Time be authorized to be borrowed by Order of an Extraordinary Meeting of the Company, so that there be not owing by the Company on Mortgage or Bond at any One Time any greater Sum than One Fourth Part of the Capital of the Company.

Company may re-borrow Sums paid off.

XXXI. If the Company pay off any Sums borrowed by them on Mortgage or Bond they may again borrow the Sums so paid off, and so from Time to Time as often as Occasion shall require.

XXXII. All

Priority of former Mortgages.

XXXII. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages to be granted by virtue of this Act.

Application of Sums raised.

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

Votes of Shareholders.

XXXIV. At all General Meetings of the Company every Shareholder holding Shares in the Capital of the Company of the aggregate nominal Value of Twenty-five Pounds or upwards shall be entitled to One Vote for every entire Sum of Twenty-five Pounds (calculated according to the aggregate nominal Value) held by him in the Capital of the Company.

Proof of Majority at any Meeting only necessary when Poll required.

XXXV. At any Meeting of the Company a Majority of Votes shall only be required to be proved in the event of a Poll being demanded at such Meeting, and if such Poll be not demanded, then a Declaration by the Chairman that the Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company shall be Evidence of the Fact, without Proof of the Number or Proportion of Votes recorded in favour of or against such Resolution.

Prescribing Extent of First Balance Sheet.

XXXVI. The Balance Sheet to be produced at the First Ordinary Meeting of the Company, or any Adjournment thereof, shall embrace and extend to all the Transactions of the Company since the last Annual General Assembly holden under the Powers of the repealed Acts.

Number and Qualification of Directors.

XXXVII. The Number of Directors until reduced under the Power herein-after contained shall be Seven, and the Qualification of a Director shall be the Possession in his own Right of Shares in the Undertaking of the aggregate nominal Value of One hundred Pounds at the least.

Number of Directors may be reduced.

XXXVIII. The Company may from Time to Time by Vote of any General Meeting reduce the Number of Directors, provided that the Number when so reduced be not less than Five.

First Directors.

XXXIX. The Persons who at the Time of the passing of this Act are the Committee of Management of the Company shall be the First Directors of the Company, and they shall continue in Office until the Second Ordinary Meeting in the Year One thousand eight hundred and fifty-seven; and in connexion with this Act the Eighty-third

and subsequent Sections of "The Companies Clauses Consolidation Act, 1845," shall be read and construed as if in that Eighty-third Section, and also in the Eighty-fourth and Eighty-eighth Sections of the same Act, the Words "Second Ordinary Meeting" were substituted for the Words "First Ordinary Meeting," wherever the latter Words occur.

Quorum of Committee of Directors.

XL. The Quorum of any Committee of Directors shall be Two.

First Auditors.

XLI. The Persons who at the Time of the passing of this Act are the Auditors of the Company shall be the First Auditors of the Company under this Act, and they shall continue in Office until the Second Ordinary Meeting, to be held in the Year One thousand eight hundred and fifty-seven; and in connexion with this Act the One hundred and first and subsequent Sections of "The Companies Clauses Consolidation Act, 1845," shall be read and construed as if in that One hundred and first Section the Words "Second Ordinary Meeting of the Company in each Year thereafter" were substituted for the Words "First Ordinary Meeting of the Company in each Year thereafter," and as if in the One hundred and third Section of the same Act the Words "Second Ordinary Meeting in each Year" were substituted for the Words "First Ordinary Meeting in each Year."

Qualification of Auditors.

XLII. The Qualification of an Auditor shall be the Possession in his own Right of Shares in the Undertaking of the aggregate nominal Value of One hundred Pounds at the least.

Representation of Company in Bankruptcy, &c.

XLIII. In all Proceedings against the Estate of any Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency, any Person appointed for that Purpose by the Company, under their Common Seal, may represent the Company and act in their Behalf in all respects as if the Claim or Demand of the Company against such Estate were the Claim or Demand of such Person and not of the Company.

Power to purchase Lands.

XLIV. The Company may by Agreement, but not otherwise, purchase, take, and hold the Lands and Hereditaments specified in the Schedule to this Act, or any Part thereof.

Powers as to Construction of Gasworks, &c.

XLV. The Company may from Time to Time maintain, alter, and discontinue their now existing Gasworks, and, subject to the Restrictions herein-after contained, may make, erect, lay down, provide, and maintain additional and other Gasworks, and also Retorts, Gasometers, Receivers, Drains, Sewers, Mains, Pipes, Machinery, and other Works and Apparatus, Houses, Buildings, and Approaches, and may do all such Acts as they think proper for making and storing Gas, and for supplying

supplying Gas within the Limits of this Act, and may make, store, and supply Gas accordingly, and may manufacture Coke and all other Products and Residuum of any Articles employed in or resulting from the Manufacture of Gas, and may sell the Gas, and the Coke and other Products and Residuum of the Manufacture of Gas, as they from Time to Time think fit.

Restriction on Erection of new Works.

XLVI. Provided always, That nothing in this Act contained shall authorize the Company to erect any Works for the Manufacture of Gas elsewhere than on the Lands specified in the Schedule to this Act, and the Lands adjoining thereto, now belonging to and occupied by them, and then only subject to the Restrictions in this Act contained.

Company not to manufacture Gas within a certain Distance of the Militia Building.

XLVII. In the event of the Company purchasing the Property firstly described in the Schedule to this Act, or any Part thereof, they shall not use for the Purpose of manufacturing Gas thereon all or any Part of that Portion of the said Property which lies within Fifty Feet of any Part of the present Militia Building.

As to certain Portions of the Property in the Schedule which may be required for County Purposes.

XLVIII. And whereas Portions of the Property firstly described in the Schedule to this Act may be required for Purposes connected with the Armoury and Militia Stores for the Southern Division of the County of *Gloucester*, or the Prison or County Gaol for the said County, or other County Purposes, and it is expedient that the same should be secured for those Purposes, if required: Therefore, in the event of the Company purchasing such Portions of the Property firstly described in the Schedule to this Act as belong or lately did belong respectively to *Ann Curtis* and the Trustees of the *Gloucestershire* Banking Company, or either of them, the Company shall and they are hereby required to give to the Lord Lieutenant of the County of *Gloucester*, or the Justices of the Peace for the County of *Gloucester* acting for and on behalf of the County, the Option of purchasing at a Price proportionate to the Purchase Money paid by the Company for such Portion of the said Property firstly described in the said Schedule as for the Time being shall have been purchased by them, according to the relative Quantities thereof respectively, so much of the Property so purchased as lies on the South Side of a Line drawn from the Western Extremity of the said *Ann Curtis*'s Property, and extending thence to the Eastern Extremity of the said Property of the Trustees of the *Gloucestershire* Banking Company, such Line commencing at a Point in the said Western Extremity of the said *Ann Curtis*'s Property which measures Ten Feet from the Southern Boundary thereof, and terminating as to such Property on the Eastern Extremity thereof at a Point which measures Twenty-eight Feet from the Southern Boundary thereof, and such Line continuing thence

through

through the said Property of the Trustees of the *Gloucestershire* Banking Company up to and terminating at a Point in the Eastern Side or Extremity thereof which measures Fifty-five Feet from the Southern Boundary of such Property.

Restriction as to Position of Works, &c. for purifying Gas.

XLIX. The Company shall not carry on the Process of purifying their Gas, or erect or use any Building or Apparatus for that Purpose, or deposit Refuse Lime or any Matter producing noxious Effluvium connected with such Process nearer to the County Land and Buildings, or any Part thereof, than Fifty-seven Feet, measured from the Western Boundary of the present Property of the Company, under a Penalty of One hundred Pounds for every such Offence, and a further Penalty of Five Pounds for every Day such Offence shall continue.

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

L. The Company shall, unless hindered or prevented as herein mentioned, within Fourteen Days after the Request in Writing of any Owner or Occupier (being a Tenant for not less than a Year) of any House, Building, or Premises within Twenty-five Feet of any Main of the Company, lay down a sufficient Pipe from such Main over any intervening Street or Road for or towards such House, Building, or Premises, and such Owner or Occupier having laid down and set up a sufficient connecting Pipe, Burner, and Apparatus, including a sufficient Meter, to the reasonable Satisfaction of the Company, and having also given to the Company, if required by them, sufficient Security for the Payment of all Sums of Money from Time to Time to become due to the Company from such Owner or Occupier, the Company shall thereupon furnish to such Owner or Occupier a sufficient Supply of Gas (not being a greater Supply than that required for a Sixty-light Meter, or a less Supply than that required for a Five-light Meter, One Light being for this Purpose deemed to consume Five Cubic Feet of Gas *per* Hour,) for private Consumption for such House, Building or Premises at a Rate not exceeding the Rate by this Act limited, and (subject to the foregoing Provisions) if the Company fail to lay such Pipe or supply such Gas to any such Owner or Occupier within the Period aforesaid (the Company not being hindered or prevented by any Cause which they, using due Care and Diligence, could not control), then and in every such Case, on Proof before any Two Justices of such Failure, the Company shall forfeit such Sum not exceeding Five Pounds as the Justices think fit.

Gas to be consumed by Meter on Request.

LI. Every Consumer of Gas supplied by the Company shall, on Request in Writing by the Company, consume the Gas supplied to him by Meter, and the Company shall, on Request in Writing of any Consumer, supply Gas to him by Meter.

Provision for Hire or Purchase of

LII. All Gas Meters belonging to the Company now in use by the Consumers shall continue in use so long as the same shall be or can be

be rendered fit for Service; and the Consumers using those Meters may at their Option either continue to hire or rent the same from the Company, or purchase the same from the Company at Prices to be agreed upon, or, in case of Difference, to be settled by Arbitration in the Manner provided by the Clauses of "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration. Meters, &c. in use.

LIII. Subject to the foregoing Enactments as to Meters now in use, it shall be lawful for the Consumers of Gas supplied by the Company to provide, lay, and fix their own Meters and Fittings within any House, Warehouse, Shop, or Building belonging to them supplied or intended to be supplied with Gas; but the Company shall not be bound to supply Gas to any Person so providing Meters unless the same, and so much of the Pipe extending thereto from the Main, and connected therewith, as shall not belong to or be under the Control of the Company, be in all respects constructed, laid, tested, and affixed, and subsequently maintained and kept in repair, to the reasonable Satisfaction of the Company, and in case of any Dispute arising in reference to this Provision, the Matters in Difference shall be settled by Two Justices. In other Cases Consumers may supply their own Meters, &c.

LIV. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Company, and every Person who shall knowingly and wilfully prevent any Meter used or intended to be used under the Provisions of this Act from duly registering the Quantity of Gas supplied, shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds; and the Existence of artificial Means for causing such Prevention, where such Meter shall be under the Custody or Control of the Consumer, shall be *primâ facie* Evidence that the same has been knowingly and wilfully caused by the Consumer using such Meter. Penalty for tampering with Meters.

LV. If and whenever any House, Building, or Premises which shall have been supplied with Gas by the Company shall be unoccupied, the Company, their Agents, Servants, or Workmen, after giving Twenty-four Hours previous Notice to the Owner by serving the Notice on him or leaving the same at his usual Place of Abode, or if the Owner or his usual Place of Abode be not known to the Company, by affixing the same for Three Days on some conspicuous Part of such House, Building, or Premises, may enter into such House, Building, or Premises between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, or Fittings, or other Works the Property of the Company. Company may remove Pipes from unoccupied Premises on giving Notice to the Owner.

Limit of Price of Gas.

LVI. The highest Charge by the Company for Gas supplied by them to Persons burning the same by Meter, other than for the public Lamps, shall be Five Shillings and Sixpence for One thousand Cubic Feet, and the highest Charge by the Company for Gas supplied for public Lamps shall be Ten *per Centum* less than the Rate *per* One thousand Cubic Feet for the Time being ordinarily charged by them to private Consumers; provided, that nothing herein contained shall preclude any Body or Corporation for the Time being empowered to light the public Lamps of the City or Suburbs of *Gloucester* from contracting for such Lighting otherwise than by Meter.

Quality of Company's Gas.

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

Company to erect a Meter to test Purity of Gas.

LVIII. The Company shall within Six Months from the passing of this Act cause to be erected in some convenient Part of their Works an experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Power to test Purity of Gas.

LIX. It shall at any Time be lawful for any Body or Corporation who may for the Time being have contracted with the Company for the lighting of the public Lamps within the said City or Suburbs by Order in Writing to appoint some competent Person, not being a Member or Officer or Servant of such Body or Corporation, 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

Penalty in case of Default.

making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the said Justices shall determine.

Cost of Experiment to be paid according to the event.

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

As to affixing Meters to public Lamps.

LXI. Any Body or Corporation for the Time being empowered to Contract for the Lighting of the said City or Suburbs may at their own Expense affix a Meter or Meters of approved Construction to all or any of the public Lamps being the Property of the Company, provided such Meters be affixed under the Inspection of the Engineer for the Time being of the Company, in case he shall attend after Seven Days previous Notice in Writing shall have been left at the Office of the Company in *Gloucester* of the Intention of such Body or Corporation to affix any such Meter or Meters to any Lamp or Lamps to be specified in such Notice, and the Time at which the same will be done: Provided also, that no such Meter shall be opened by any such Body or Corporation, except in the Presence of the Engineer for the Time being of the Company, in case he shall attend such Opening after Three Days previous Notice in Writing shall have been left at the Office of the Company in *Gloucester* of the Intention of such Body or Corporation to inspect such Meter or Meters at the Time to be specified in such Notice: Provided also, that all Damage or Loss to be occasioned by any such Body or Corporation shall be made good by them.

Penalties not cumulative.

LXII. 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 the Acts incorporated therewith shall be deemed several Acts.

Sums undisputed may be recovered by Distress.

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

LXIV. Any

Contents of Warrants.

LXIV. Any One Warrant issued for any of the Purposes of this Act may contain in the Body thereof, or in a Schedule thereto, several Names and several Sums.

Warrants may include Costs.

LXV. Any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for the Recovery of the Money to be levied shall be paid by the Person liable to pay such Money, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

As to Recovery of Sums under 50*l.*

LXVI. Nothing in this Act or any Act incorporated herewith contained shall prevent the Company from recovering any Sum of Money not exceeding Fifty Pounds due to them for the Supply of Gas, or for the Sale, Hire, or fixing of Meters or Fittings, or for Damages, Costs, or Expenses, by Action or Proceeding in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

Liability to Gas Rate not to disqualify Justice.

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

If the Canal Company deem any Alterations necessary in their Works, they may require the Company to remove their Pipes, &c.

LXVIII. If at any Time the *Gloucester and Berkeley* Canal Company, or their Successors, in consequence of any Alteration in their Docks, Wharfs, or other Works shall deem it expedient or necessary, or shall be desirous that the Site or Course of all or any of the Gas Pipes and Works laid or placed by the Company in or under any of the Roads (not being Roads dedicated to the public Use), Lands, or Premises of the said Canal Company shall be varied or transferred to any other Part or Parts of the said Road, Lands, and Premises belonging to them, or that the said Pipes and Works shall be entirely taken up and removed from and off the said Road and other Lands and Premises of the said Canal Company, it shall in any or either of such Cases be lawful to and for the said Canal Company to give or cause to be given to the Company a Notice or Notices so to vary or transfer the same, or entirely to take up and remove the same from and off the said Road, Lands, and Premises, as the Case may be; and if the said Company shall refuse or neglect to vary, transfer, or entirely to take up and remove the said Pipes and Works, as the Case may be, within Twelve Calendar Months after the Receipt of such Notice or Notices as aforesaid, it shall and may be lawful for the said Canal Company to vary and transfer or to take up and entirely remove the said Pipes and Works off and from the said Road, Lands, and Premises belonging to the said Canal Company as to them shall seem meet, without being liable, answerable, or responsible to the Company for

for so doing, or for any Damage or Injury to be occasioned thereby; and in any or either of such Cases, as well as the original laying and placing of such Pipes and Works, as also in any and every other Case, the Company shall repair and make good the Road and Soil, and all Excavations to be made by them, and the Damage to be occasioned to the said Road and other the Lands and Premises of the said Canal Company thereby.

Saving Rights of Municipal Corporation.

LXIX. Except the Powers by this Act and the incorporated Acts given with respect to Streets, Bridges, Sewers, Drains, and Tunnels, and for the Execution of the Works by this Act and the incorporated Acts authorzied, nothing in this Act contained shall defeat, abridge, alter, obstruct, or in any Manner interefere with the Powers and Authorities of the Mayor, Aldermen, and Citizens of the City of *Gloucester*, whether in their Municipal Capacity or as the Local Board of Health.

Saving Rights of Governor and Guardians.

LXX. Nothing in this Act contained shall repeal, abridge, or in any Manner interfere with the Powers and Authorities now vested in the Governor and Guardians of the Poor of the City of *Gloucester* for lighting the Streets, Lanes, and public Places of the said City, under or by virtue of an Act passed in the Fourth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Relief and Employment of the Poor within the City of* Gloucester, *and for lighting the Streets of the said City*, another Act passed in the Twenty-first Year of the same Reign, intituled *An Act for erecting a new Gaol, and for removing certain Gateways in the City of* Gloucester, *and for amending the several Acts passed for the Maintenance and Support of the Poor of the said City, and lighting, paving, and regulating the Streets there*, and another Act passed in the Fifty-ninth Year of the same Reign, intituled *An Act for enabling the Governor and Guardians of the Poor of the City of* Gloucester *to light the said City with Gas, and to enter into the necessary Contracts for that Purpose.*

4 G. 3. c. 60.

21 G. 3. c. 74.

59 G. 3. c. lxix.

Expenses of Act.

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

The SCHEDULE referred to in this Act.

A PIECE of Land situate in the Parish of Saint Nicholas in the County of the City of Gloucester, bounded on the North Side by Quay Street, on the East Side by Land, Workshops, and Buildings of William Harris, on the South Side by Land and Buildings vested in the Lord Lieutenant and Custos Rotulorum of the County of Gloucester and the Lands and Works of the Company, and on the West Side by the Lands and Works of the Company; and which said Piece of Land and the Houses and Buildings thereon respectively belong, or lately did belong, to the Trustees of the Will of Charles Parker, deceased, William Harris, Ann Curtis, the Governor and Guardians of the Poor of the City of Gloucester, and the Trustees of and for the Gloucestershire Banking Company:

Also another Piece of Land situate in the Parish of Saint Nicholas in the County of the City of Gloucester, bounded on the West Side by the City Quay, on the North Side by Quay Street, and on all other Sides by the Lands and Works of the Company, and which said Piece of Land and the Houses and Buildings thereon respectively belong, or lately did belong, to William Henry Evans, the Mayor, Aldermen, and Citizens of the City of Gloucester in the County of the City of Gloucester, David James Evans, Ann Halling, and John Jackson.

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