CHAP. xv.

An Act for dissolving the Ilkley Gas Company (Limited), and re-incorporating the proprietors therein with others, and to give them further powers for supplying gas to Ilkley and the neighbourhood in the West Riding of the county of York; and for other purposes. [13th May 1869.] A.D. 1869.

WHEREAS "The Ilkley Gas Company, Limited," (in this Act called "the old company") were in the year of our Lord 1856 incorporated with limited liability under "The Joint Stock Companies Act, 1856," and by their memorandum of association registered in pursuance of that Act the objects for which the company were established were declared to be the establishing of gas-works for the supply of the village of Ilkley and neighbourhood with gas, and the doing of all things necessary, conducive, or incidental to the carrying on and conducting of such works; and the capital of the company was declared to be two thousand five hundred pounds, divided into two hundred and fifty shares of ten pounds each, of which shares two hundred and ten have been issued and two thousand one hundred pounds have been paid up thereon: 18 & 19 Vict. c. 133. (*Pub.*)

And whereas the old company have not any mortgage or bond debt:

And whereas the old company have since their incorporation been and now are supplying with gas Ilkley in the West Riding of the county of York:

And whereas it is expedient that the old company should be dissolved, and their memorandum and articles of association annulled, and that the proprietors thereof should be incorporated into a company for the purposes of this Act, and that further powers should be conferred upon the company so incorporated for supplying with gas the parishes, townships, or places of Ilkley, Myddelton, and Nessfield-with-Langbar, all in the West Riding of the county of York:

And whereas the objects aforesaid cannot be attained without the

A.D. 1869.

authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Short title.

1. This Act may for all purposes be cited as "Ilkley Gas Act, 1869."

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

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," and the "Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act; provided that this Act shall not authorize the purchase of any lands otherwise than by agreement.

Interpretation of terms.

3. In this Act the several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have the same respective meanings unless excluded by the subject or context; and the expression "the company" means the company incorporated by this Act; and the expression "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 in respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Dissolution of old company.

4. The old company is by this Act dissolved, and the memorandum and articles of association of the old company shall henceforth be void and of no effect.

Incorporation of new company.

5. The several persons who immediately before the passing of this Act were shareholders in the old company, and all other persons who from time to time become entitled to shares of the capital of the company incorporated by this Act, and their respective executors, administrators, successors, and assigns, are by this Act united into a company for making and maintaining gasworks and making and supplying gas, coal, and coke, and carrying on the business of a gas company, and for other the purposes of this Act, and for those purposes are incorporated by the name of "the Ilkley Gas Company," and by that name shall be one 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.

6. All the undertaking, gasworks, buildings, lands, plant, stock, monies, credits, property, effects, choses in action, claims, and demands whatsoever of or to which the old company, or any persons in trust for them or on their behalf, are 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 rights, members, and appurtenances, are by this Act vested in the new company as their undertaking, gasworks, property, and effects for all the estate and interest which the old company or such persons had therein, but subject to all charges and encumbrances thereon, and all debts, liabilities, and engagements of the old company in respect thereof.

Company to represent the dissolved company.

7. Except only as is by this Act otherwise expressly provided, the new company shall, with respect to their undertaking, gasworks, property, and effects, and all matters connected with the same respectively, represent the old company, as if that company and the new company had originally been and had continued without intermission to be one and the same body corporate.

General saving of rights.

8. Notwithstanding the dissolution of the old company and the avoidance of their memorandum and articles of association, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed by or under the memorandum and articles of association shall be as valid as if the dissolution and avoidance had not happened, and the dissolution and avoidance 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 and avoidance 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 new company shall to all intents and purposes represent the old company, provided that the generality of this provision shall not be restricted by any of the other provisions of this Act.

Contracts &c. preserved.

9. Notwithstanding the dissolution and avoidance aforesaid, all purchases, sales, conveyances, leases, 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 old company, or any person on their behalf,

A.D. 1869.

shall continue and be as effectual to all intents for, against, and with respect to the new company as if the same had been made or executed by, to, or with respect to the new company instead of the old company or such person, and may be proceeded on and enforced by and against the new company accordingly.

Actions, &c. not to abate.

10. Notwithstanding the dissolution and avoidance aforesaid, any action, suit, prosecution, or other proceeding commenced either by or against the old company before the passing of this Act shall not 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 new company in like manner to all intents and purposes as the same might continue and take effect in favour of or against the old company, save only that when necessary the new company shall be substituted therein for the old company.

Gas rents to be paid.

11. Notwithstanding the dissolution and avoidance aforesaid, 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 old company, shall be payable and paid to and may be collected and recovered by the new company in like manner as any gas rates or rents, meter rents, or charges under this Act.

Debts to be paid.

12. Notwithstanding the dissolution and avoidance aforesaid, all persons who immediately before the passing of this Act owed any money to the old company, or to any person on their behalf, shall pay the same, with all interest (if any) due and payable or accruing for the same, to the new company; and all monies which immediately before the passing of this Act were owing by or recoverable from the old company, or for the payment of which they respectively 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 new company.

Books, &c. continued evidence.

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

Officers, &c. of the dissolved company to account.

14. All officers and persons who at the passing of this Act have in their possession or under their control any money, books, documents, papers, writings, or effects belonging to the old company shall account for and deliver up the same to the new company, or to such persons as they appoint to receive the same, in like

manner and subject to like regulations, pains, and penalties as if the officers or persons were appointed and became possessed of the same under this Act.

Present officers continued until removed.

15. All clerks, officers, and persons appointed by or acting under the authority of the old company shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall be removed therefrom by the new company or the directors; and all such clerks, officers, and persons shall have the like powers and authorities for the purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like pains and penalties, and to the like powers of removal, and to the like rules and regulations, in all respects whatsoever, as if they had been appointed by virtue of this Act.

Trustees of old company to be indemnified.

16. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the old company were vested immediately before the passing of this Act, and who (being duly authorized so to do) entered into any bond, covenant, contract, or engagement in respect of the same, or otherwise on behalf of the old company, shall be indemnified and saved harmless out of the funds or property of the new company from and against all liability, loss, costs, charges, and expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such bond, covenant, contract, or engagement.

Capital of the company.

17. The capital of the new company shall (subject to the future increase thereof under the authority of this Act) be two thousand one hundred pounds, and shall be divided into two hundred and ten shares of ten pounds each, fully paid up.

Appropriation thereof.

18. The said shares shall be appropriated and belong to the several persons and corporations who immediately before the passing of this Act are the registered shareholders in the old company, in the proportion of one share for every then existing share of ten pounds in the capital of the old company as then existing, and in substitution for the said existing shares.

New shares to be subject to the same trusts, &c. as old shares.

19. Every share so appropriated shall be subject and liable to the same trusts, powers, provisoes, declarations, agreements, charges, liens, and encumbrances as immediately before the passing of this Act affected the then existing share in the old company for which it is substituted, and so as to give effect to and not to revoke any testamentary disposition of or affecting such existing share.

A.D. 1869.

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

20. The new company shall call in and cancel the existing certificates of the shares of the old company, and issue in lieu thereof certificates of proprietorship under this Act, 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 new company, to be cancelled, the certificates of shares issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the directors of the new company the loss or destruction thereof.

Power to raise additional capital by shares.

21. It shall be lawful for the new company from time to time, with the consent of three fifths of the votes of the shareholders present in person or by proxy at any general meeting specially convened for the purpose, to raise by the creation and issue of new ordinary or preference shares or stock in their capital, or, at the option of the new company, by any of those modes, such further sum or sums as they may think proper, not exceeding in the whole, in addition to the said sum of two thousand one hundred pounds, the sum of ten thousand pounds; provided that no such share shall be of less amount than ten pounds.

Shares not to issue until one-fifth part paid up.

22. Except shares substituted for existing shares, the new company shall not issue any share or portion of stock created under the authority of this Act, nor shall any share or portion of stock vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share or portion of stock shall have been paid in respect thereof.

Calls.

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

Limits of dividends on new capital.

24. The company shall not in any year make out of their profits any larger dividend on the additional share capital of ten thousand pounds to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid of such capital on ordinary shares, or six pounds in respect of every hundred pounds actually paid of such capital on preference shares.

Old company's profits made applicable to

25. Profits of the old company by this Act vested in the new company shall for the purpose of dividends be deemed profits of

the new company, and shall be applicable to dividend among the proprietors of the new company. dividends of new company.

26. Where any money is payable to a shareholder being an infant or a lunatic, the receipt of his guardian, or of the committee of his estate, (as the case may be,) shall be a sufficient discharge to the new company for the same. Receipt of guardians, &c.

27. The new company may from time to time borrow on mortgage any sums not exceeding in the whole,— Power to borrow on mortgage.

In respect of the present capital five hundred pounds:

In respect of the first five thousand pounds of additional capital to be created under the authority of this Act one thousand two hundred and fifty pounds:

In respect of the second five thousand pounds of additional capital to be created under the authority of this Act one thousand two hundred and fifty pounds.

28. Provided that no part of either of the said sums of one thousand two hundred and fifty pounds by this Act authorized to be borrowed in respect of additional capital shall be so borrowed until the whole of the respective portion of additional capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half of that additional capital is paid up, and the new 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 portion of additional 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 or portion of stock in such portion of additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such portion of additional 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 new 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. Restriction on borrowing.

29. The mortgagees of the new company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in Arrears may be enforced by appointment of a receiver.

A.D. 1869.

the whole than one-tenth part of the then mortgage debt of the new company.

Application of monies.

30. All monies raised under this Act, whether by shares, by stock, or by borrowing, shall be applied for the purposes of this Act only.

Ordinary meetings.

31. There shall be one ordinary meeting of the company in each year, and it shall be held in the month of February or March in each year, or at such other time as shall be appointed for the purpose by a resolution of the directors; and the first ordinary meeting shall be held in the month of February or March next after the passing of this Act.

Quorum for general meetings.

32. The prescribed quorum for all general meetings of the new company shall be five proprietors holding in the aggregate not less than two hundred pounds of the capital of the new company.

Scale of voting.

33. The prescribed scale of voting shall be one vote for every entire sum of ten pounds in the capital of the new company held by the same person at the same time.

Number of directors.

34. The number of directors shall be five, but the new company from time to time may reduce the number to not less than three.

Qualification of directors.

35. The qualification of a director shall be the possession in his own right of not less than fifty pounds of the capital of the new company.

Quorum.

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

First directors.

37. Benjamin Briggs Popplewell, Alfred Harris the younger, John William Cudworth, William Brayshaw, and Samuel Bower shall be the first directors of the new 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 year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the provisions in this Act contained for reducing 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

Election of directors.

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.

Limits of Act.

38. The limits of this Act shall be and include the parishes, townships, and places of Ilkley, Myddelton, and Nessfield-with-Langbar, all in the West Riding of the county of York.

Power to take additional lands by agreement.

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

Power to take easements, &c. by agreement.

40. 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 new company any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Sale of superfluous lands.

41. The new company may at any time hereafter sell and dispose of all their estate and interest in any lands which are by this Act vested in them, or which they may hereafter acquire, and which shall not be required for the purposes of the new company; and the provisions of "The Lands Clauses Consolidation Act, 1845," sections 128 to 132, both sections inclusive, shall apply to any such sale, and the new company may also from time to time sell and dispose of any works, buildings, or erections belonging to them which shall not be required for the purposes of the new company.

Power to maintain and erect gasworks.

42. On the lands described in the schedule to this Act, (which lands are in this Act referred to as "the gas lands,") the new company may maintain, and from time to time alter or enlarge, retorts, gas-holders, receivers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom, and all proper approaches and conveniences for the purposes of such works.

As to erection of gasworks.

43. It shall not be lawful for the new company to manufacture or store gas except on the gas lands.

Power to supply gas.

44. Subject to the provisions of this Act, and of the Acts incorporated wholly or in part with this Act, the new company may supply

A.D. 1869.

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

Power to supply gas fittings, &c.

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

Quality of company's gas.

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

New company to erect a meter to test quality of gas.

47. The new company shall, within twelve months from the passing of this Act, cause to be erected an experimental meter fit for testing all the gas provided by them not nearer than half a mile to any of their works, 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 so situated and arranged as to test the illuminating power of all the gas supplied to the consumers, and shall at all times keep and maintain the experimental meter and apparatus in good repair and working order, and if and when necessary renew the same.

Power for local board to test.

48. Any local board within the limits of this Act, or any person authorized by any such local board in writing, shall at all reasonable times in the daytime have access to the testing place, and may test there the illuminating power of the gas supplied by the new company in the presence of an officer of the new company if attending for that purpose, and if not, then in the absence of any such officer, and the new company and their officers shall afford all reasonable facilities and assistance for such testing; and if any officer of the new company, on being thereunto reasonably requested, wilfully obstructs such testing, or fails to afford such facilities and assistance,

he shall for every such offence be liable to a penalty not exceeding ten pounds.

As to testing the quality of gas.

49. It shall be lawful for two justices, on the application of any consumers of the gas of the new company, not being less than five in number, by order in writing to appoint some competent person to proceed to the works of the new company, and the person so appointed may at any reasonable hour in the daytime, on producing the said order, enter on the premises of the new company, and in the presence of the superintendent or other officer of the new company make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus before mentioned, and the new company and their officers shall afford all reasonable facilities and assistance for the making of such experiments; and if it shall be proved to the satisfaction of any two justices, not being shareholders of the new company, after hearing the parties, that the illuminating power of the gas supplied by the new company did not when so tested as aforesaid equal the illuminating power by this Act prescribed, or that the new company or their officers, on being thereunto reasonably requested, wilfully refused to afford such reasonable facilities as aforesaid, or wilfully hindered or prevented the making of such experiment, in any such case the new company shall forfeit such sum not exceeding twenty pounds as the justices shall determine under the circumstances of the case.

Costs of experiment to be paid according to events.

50. The costs of and attending such experiment, including the remuneration to be paid to the person making the same and the cost of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the new company shall be paid together with such penalty by the new company; but in the event of no penalty being imposed the costs shall be in the discretion of the justices.

Price of gas.

51. The new company may charge for gas consumed by meter any price not exceeding six shillings for every thousand cubic feet consumed, and so in proportion for any smaller quantity consumed.

Contracts for supplying gas for public purposes.

52. The new company on the one hand, and any local board of health, or local board, 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 corporations, 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 new company for public purposes within the limits of this Act for any period not exceeding under any one such contract or arrangement seven years, and may

A.D. 1869.

from time to time by mutual consent vary, suspend, or rescind any such contract or arrangement, or enter into or carry into effect other contracts or arrangements in lieu thereof or in addition thereto; and any board, trustees, corporations, 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 new company under or by virtue thereof any funds or monies which they have raised or may raise under the powers of any Act of Parliament.

Consumers may be required to consume by meter.

53. Every consumer of gas supplied by the new company under any contract to be hereafter made shall on being required by them consume such gas by meter, to be supplied either by the new company or by the consumer, but in the latter case subject to the meter being approved and certified by the new company.

Power to new company to let meters.

54. The new 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 new company of such meter, as may be agreed upon between the hirer and the new company, and such remuneration shall be recoverable in the same manner as the gas rents due to the new 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.

55. The new company after twenty-four 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 new company is laid or fixed, and through or in which the supply of gas is from any cause other than the default of the new 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 new company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Notice to new company of putting up meters, &c.

56. Before any person connects or disconnects any meter through which any of the gas of the new company is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the new company of his intention to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

57. Every consumer of gas of the new company shall at all times at his own expense keep all meters belonging to him whereby any gas of the new company is registered in proper order for correctly registering such gas, in default whereof the new company may cease to supply gas through such meters, and the new 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 new 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.

58. The register of the meter when in perfect working order shall be primâ facie evidence of the quantity of gas consumed by any customer of the new company in respect of which any gas rent is charged and sought to be recovered by the new company.

Fraudulently injuring meters, &c.

59. If any person wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fitting belonging to the new 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 new company, or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds, and the new company may, in addition thereto, recover the amount of any damages sustained by them; and the new 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.

New company's officers to enter buildings.

60. The new company's agent, or other officer duly appointed for the purpose by the new 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 new company

A.D. 1869.

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 new company a sum not exceeding five pounds.

For preventing frauds and waste of gas.

61. 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 new 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 new company under this enactment shall be in addition to their other remedies in this behalf.

Recovery of sums due.

62. 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 new company under this Act, or any Act incorporated wholly or in part with this Act, they 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 new 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.

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

63. In case any consumer of the gas of the new company shall leave the premises where such gas has been supplied to him without paying to the new company the gas rent or meter rent due from him, the new 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.

Liability to gas rent not to disqualify justices, &c.

64. 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, meter rent, rate, or charge under this Act, or of his being a shareholder of the new company.

Contents of summons, &c.

65. 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.

Cost of distress.

66. 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.

67. Penalties imposed on the new 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.

68. 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 new company.

A.D. 1869.

SCHEDULE referred to in the foregoing Act.

A piece of land situate at Ilkley in the parish of Ilkley in the West Riding of the county of York, in the occupation of the Ilkley Gas Company, Limited, and occupied by their gasworks and manager's house, which said plot of land is now fenced in by walls, and is bounded on the southward by the Ilkley and Otley turnpike road, on the northward by property belonging or reputed to belong to William Middelton, esquire, on the eastward by property now or late belonging or reputed to belong to the said William Middelton, and on the westward partly by property belonging or reputed to belong to the said William Middelton, partly by property belonging or reputed to belong to Richard Short, and partly by property belonging or reputed to belong to James Rigg.

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