

ANNO TRICESIMO

VICTORIÆ REGINÆ.

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Cap. xiii.

An Act for better lighting with Gas the Borough of *Kidderminster*, and certain Parishes and Places adjacent thereto, in the County of *Worcester*. [12th *April* 1867.]

WHEREAS by an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third (Chapter 83), intituled 53 G. 3.
An Act for lighting the Borough of Kidderminster *in the* c. lxxxiii.
County of Worcester, certain Persons were incorporated by the Style of "The *Kidderminster* Gaslight and Coke Company," with Power to purchase and hold Lands to the Extent of Two Acres, and erect Gasworks, and to light the said Borough with Gas, and to raise by the Creation of Shares a Capital of Eight thousand Pounds, and any further Sum not exceeding Four thousand Pounds by Contribution amongst themselves as to them should seem meet, or by the Admission of new Subscribers, but no Power of borrowing Money was given to the said Company by that Act, nor was any Limit thereby imposed on the Dividend of the said Company: And whereas the said Company in execution of the Powers given by the recited Act established Gasworks, and have for many Years lighted and are still lighting the Streets and public and private Buildings of the said Borough with Gas, and for those Purposes have raised the said Sum of Eight thousand Pounds in One

hundred and sixty Shares of Fifty Pounds each, and also the said further Sum of Four thousand Pounds in Eighty Shares of Fifty Pounds each, distributed amongst the Shareholders, and have expended the whole of the said Two Sums for the Purposes of the said Act: And whereas since the passing of the recited Act the Population of the said Borough and of the adjacent Parishes and Suburbs, and the Number of Dwelling Houses, Manufactories, Works, and other Buildings therein, have greatly increased and are still increasing, and in order to meet the additional Demand for Gas occasioned thereby the said Company have extended their Works, and have expended in such Extension the Sum of Two thousand seven hundred Pounds and upwards out of the Profits of the said Company applicable to Dividend, and a further Sum of Four thousand Pounds which is now due as a floating Debt on the Credit of the said Company, and it is expedient that the Sum of Two thousand four hundred Pounds, Part of the said Sum of Two thousands even hundred Pounds, be capitalized: And whereas the said Company have expended out of their Profits applicable to Dividend the Sum of Two thousand seven hundred Pounds in the Purchase of Meters, Gas Fittings, and Apparatus used in the Consumption of Gas, of which Meters, Gas Fittings, and Apparatus they still stand possessed, and it is expedient that the Sum of One thousand two hundred Pounds, Part of the said Sum of Two thousand seven hundred Pounds, should be capitalized: And whereas it is expedient that the Limits within which the Company to be incorporated by this Act may supply Gas should be extended to the Parish of *Kidderminster* Foreign (except such Part thereof as is known as the Hamlet of *Wribbenhall*), and to the Parishes of *Stone* and *Wolverley*, and that the said Company be authorized to raise a further Sum of Money for the Purpose of so extending their Supply of Gas and of paying off the said floating Debt: And whereas in order to avoid the Inconvenience of several Acts relating to the same Purposes being in force at the same Time it is expedient that the recited Act should be repealed, and that some of the Powers and Provisions thereof should be amended, 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,)

Short Title.

1. This Act may be cited for all Purposes as "The *Kidderminster* Gas Act, 1867."

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

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to the Cancellation and Surrender of Shares), and Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock)

Stock) of "The Companies Clauses Act, 1863," "The Gasworks Clauses Act, 1847," "The Lands Clauses Consolidation Act, 1845," except the Provisions thereof with respect to the Purchase and taking of Lands otherwise than by Agreement and the Sections consequent thereon, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are, except where expressly varied or restricted by this Act, incorporated herewith and form Part of this Act. 23 & 24 Vict. c. 106. and 26 & 27 Vict. c. 118. incorporated.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction: Interpretation of Terms.

The Expression "the Company" shall mean the Company incorporated by this Act:

The Expression "the dissolved Company" shall mean the *Kidderminster* Gaslight and Coke Company:

The Expression "the Works" or "the Undertaking" shall mean the Gasworks and Works connected therewith by this Act transferred to and invested in the Company incorporated by this Act, or which they may be authorized to execute:

The Expression "the Undertakers" or "the Promoters of the Undertaking" shall mean the Company:

The Expression "the Borough" shall mean the Municipal Borough of *Kidderminster*:

The Expression "the Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Kidderminster*;

And in this Act, and the Acts wholly or partially incorporated herewith,—

The Expression "the Special Act" shall mean this Act:

The Expression "Superior Courts," or "Court of competent Jurisdiction," or other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

4. On the passing of this Act the recited Act is hereby repealed, and the *Kidderminster* Gaslight and Coke Company is hereby dissolved. Recited Act repealed.

5. The Limits of this Act for the Supply of Gas shall extend to and include the Parish of *Kidderminster* Borough, the Parish of *Kidderminster* Foreign (except the Hamlet of *Wribbenhall*), the Parish of *Stone*, and the Parish of *Wolverley*, all which Places are in the County of *Worcester*. Limits of Act.

6. The

Incorporation of Company.

6. The several Persons who immediately before the passing of this Act were Proprietors of Shares in the dissolved Company, and all other Persons who have subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and are hereby united into a Company for the Purpose of maintaining Gasworks and supplying Gas within the Limits of this Act, and for other Purposes by this and the incorporated Acts authorized, by and under the Name of "The *Kidderminster* Gaslight and Coke Company," and by that Name shall be a Body Corporate, with perpetual Succession and shall have a Common Seal, and may sue and be sued, and shall have Power to purchase, hold, sell, and demise Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the Acts incorporated herewith contained.

Present Property of dissolved Company vested in the Company.

7. From and immediately after the passing of this Act all Lands, Tenements, Hereditaments, Works, Pipes, Apparatus, Machinery, Goods, Chattels, Effects, Monies, Securities, Deeds, Bonds, Contracts, Agreements, Books, Papers, Plans, Choses in Action, Rights, Claims, Easements, Privileges, and Demands, and all other (if any) the Real and Personal Estate, Property, and Effects which immediately before the passing of this Act were vested in the dissolved Company, or any Person or Persons on their Behalf, shall be and the same are hereby transferred to and vested in the Company to the same Extent, and for the same Estate and Interest, as the same respectively were at the Time of the passing of this Act vested in the dissolved Company, or any Person on their Behalf, and may be recovered, held, used, and enjoyed by the Company accordingly.

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

8. All Persons who at the passing of this Act owed any Money to the dissolved Company shall pay the same, together with all Interest (if any) due or to accrue due thereon, to the Company, and all Debts which at the passing of this Act were due and owing by the dissolved Company shall be paid, with all Interest, if any, due or to accrue due thereon, by the Company, and all Rates, Rents, or Charges which at the passing of this Act were due and payable or then accruing due to the dissolved Company shall be and become due and payable to the Company, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates, Rents, and Charges by this Act made payable to the Company.

Saving previous Rights and Liabilities.

9. Notwithstanding the Repeal of the recited Act, and such Dissolution as aforesaid, and excepting as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the dissolved Company, or the Shareholders therein

therein in that Capacity, shall be as valid as if that Company had not been dissolved, and the recited Act had not been repealed, and such Repeal and Dissolution respectively shall accordingly be subject and without Prejudice to anything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Dissolution had not been effected, and the recited Act had not been repealed, and this Act were not passed, would be incidental to or consequent on any and every thing so done or suffered, and with respect to all such Rights, Liabilities, Claims, and Demands the Company shall to all Intents and Purposes represent the dissolved Company, and the Shareholders therein in their Capacity of Shareholders: Provided always, that the Generality of this Enactment shall not be restricted by any other of the Clauses and Provisions of this Act.

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

10. Except as is by this Act otherwise specially provided, all Purchases, Sales, Grants, Conveyances, Leases, Deeds, Contracts, Bonds, Indemnities, and Agreements made, executed, or entered into before the passing of this Act by, to, or with the dissolved Company, or any Trustees or Persons acting on behalf of the dissolved Company, by, to, or with any other Person to whose Rights and Liabilities they have succeeded, and now in force, shall be as binding and of as full Force and Effect against or in favour of the Company, and may be enforced as fully and effectually as if instead of the dissolved Company, or the Trustees or Persons acting on behalf of the dissolved Company, the Company had been a Party thereto.

Confirming Contracts for Supply of Gas beyond Limits of recited Act but within Limits of this Act.

11. All Contracts and Agreements made and entered into before the passing of this Act, and unexpired, by or with the dissolved Company with or by any Person for the Supply of Gas beyond the Limits of the recited Act, but within the Limits of this Act, are hereby confirmed, and shall be as binding and of as full Force and Effect against or in favour of the Company as if such Contracts and Agreements had been made and entered into by or with the Company under the Powers in that Behalf contained in this Act or the Acts incorporated therewith.

Actions, &c. not to abate.

12. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the dissolved Company previous to the passing of this Act shall abate or be discontinued, released, or prejudicially affected by this Act, but, on the contrary, the same may be maintained, prosecuted, or continued either in favour of or against the Company in the same Manner in all respects as the same would have continued and taken effect in relation to the dissolved Company if this Act had not been passed; and all Offences which may have been committed before the passing of this Act against the Provisions of the repealed Act may be prosecuted, and all Penalties incurred for such

Offences may be recovered, in such or the like Manner to all Intents and Purposes as the same might have been prosecuted and recovered respectively if this Act had not been passed, the Company hereby incorporated being in reference to the Matters aforesaid in all respects substituted in the Place of the dissolved Company.

Debts due to dissolved Company to be paid to Company incorporated by this Act.

13. All Rates, Rents, or Charges made or imposed under or by virtue of the recited Act, and which at the Time of the passing of this Act shall be due and payable, or accruing due and payable, or if this Act had not been passed would have been due and payable, or would have accrued due and payable, to the dissolved Company, shall continue to be payable until the same shall be altered or reduced under the Authority of this Act, and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges to be received in pursuance of this Act may be collected or recovered.

Transfers of Shares to remain in force.

14. All Sales, Transfers, and Dispositions executed before the passing of this Act of any Share or Shares in the Capital of the dissolved Company shall remain in full Force, and shall be and continue available in all respects whatsoever in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

Books to be Evidence.

15. All Books and other Documents whatsoever by the repealed Act authorized or directed to be kept, and now receivable in Evidence, shall still be received in Evidence by all Courts of Judicature and Justices whatsoever.

Present Officers continued until removed.

16. All Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of the repealed Act shall hold and enjoy their respective Offices and Employments, together with the Salaries or Emoluments thereunto annexed, until they shall be removed therefrom by the Company or the Directors, or resign, 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.

Byelaws, &c. to continue in force until revoked, &c.

17. All Byelaws, Regulations, Resolutions, Orders, Notices, and Proceedings of the dissolved Company, and of the Committee of Management thereof, made and taken before the passing of this Act, and which but for the Repeal of the recited Act would be in force

and

and pending, shall, subject to the Provisions of this Act, continue in force until altered, revoked, or withdrawn by the Company, and may be enforced accordingly.

Capital.

18. The Capital of the Company shall be Thirty thousand Pounds, whereof Twelve thousand Pounds is herein-after called the "original Capital," and Eighteen thousand Pounds the "additional Capital," and of such additional Capital the Sum of Three thousand six hundred Pounds shall be created and issued as Preference Stock in respect of Money expended on Works out of the Profits of the Undertaking applicable to Dividend.

Shares.

19. The original Capital shall be formed into a common Stock, and the additional Capital shall be divided into Shares of such Amount as the Company shall from Time to Time determine.

Appropriation of Stock.

20. The original Capital shall belong to and be appropriated among the several Persons who immediately before the passing of this Act were Holders of Shares in the Capital of the dissolved Company in proportion to their then respective Shares and Interests in the Capital of the dissolved Company, and the said original Capital is hereby vested in such Persons accordingly, and shall be accepted by them in full Satisfaction of all their Interest in the dissolved Company.

Allotment of Preference Stock in respect of capitalized Profits.

21. Three thousand six hundred Pounds Preference Stock bearing a perpetual fixed Dividend of Five Pounds *per Cent. per Annum* shall be allotted rateably among the several Persons who immediately before the passing of this Act were Holders of Shares in the Capital of the dissolved Company in proportion to their then respective Shares and Interests in the Capital of the dissolved Company, and the said Preference Stock is hereby vested in such Persons accordingly.

Existing Trusts attached to original Capital and Preference Stock allotted in respect of Capital of dissolved Company.

22. All Persons in whom any original Capital or any Preference Stock allotted in respect of Capital of the dissolved Company shall be so vested as aforesaid shall stand possessed thereof respectively upon the like Trusts, and subject to the like Powers, Provisoes, Declarations, and Agreements, upon and to which the Shares in the Capital of the dissolved Company in respect of which the said original Capital is so vested, and the Preference Stock so allotted, were subject immediately before the passing of this Act, so as to give Effect to and not revoke any Will or other Instrument disposing of or affecting such Shares.

Company to call in and cancel existing Certifi-

23. The Company shall call in and cancel the existing Certificates of the Shares of the dissolved Company, and issue in lieu thereof

cates and issue new Certificates in lieu thereof.

thereof Certificates of the substituted Shares in the Form and under the Conditions prescribed by "The Companies Clauses Consolidation Act, 1845," and "The Companies Clauses Act, 1863," but the Holders of such existing Certificates shall not be entitled to any Certificates for Shares under this Act until they shall have delivered up to the Company to be cancelled the said existing Certificates, or shall have proved to the reasonable Satisfaction of the Directors of the Company the Loss or Destruction thereof.

Additional Capital.

24. The Company may from Time to Time raise, by the Creation and Issue of new ordinary or Preference Shares (such Preference Shares to be issued upon such Conditions as to Priority as the Company at the time of creating them shall resolve), or (at the Option of the Company) by either of those Modes, the whole or any Part of the Remainder of the additional Capital.

Shares not to be issued until the Fifth Part thereof be paid up.

25. The Company shall not issue any such new Share under the Authority of this Act, nor shall any such new Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such new Share shall have been paid in respect thereof.

Limiting Dividend.

26. With reference to the Provisions of the "Gasworks Clauses Act, 1847," with respect to the Amount of Profits to be received by the Undertakers when the Gasworks are carried on for their Benefit, the prescribed Rate of Profits to be divided among the Undertakers in any One Year shall not exceed Ten Pounds in the One hundred Pounds on the original Capital, and Seven Pounds in the One hundred Pounds on the Amount for the Time being paid up on such of the additional Capital as shall consist of ordinary Shares, or Six Pounds in the One hundred Pounds on the Amount for the Time being paid up on such of the additional Capital as shall consist of Preference Shares.

Receipts of Guardians, &c. sufficient.

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

Power to borrow.

28. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole the Sum of Six thousand Pounds, but no more than the Sum of Three thousand Pounds shall be borrowed until the whole of the additional Capital of Eighteen thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such Capital has been

been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share in such Capital has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Debenture Stock.

29. The Company may create and issue Debenture Stock.

For Appointment of Receiver.

30. The Mortgagees of the Company may enforce Payment of the 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 than One thousand Pounds in the whole.

Application of Monies.

31. All Money to be raised under the Provisions of this Act shall be applied in the first place in paying the Costs and Expenses of and incident to the obtaining this Act, and then in discharging the said floating Debt, and then in carrying into effect the Purposes of the Undertaking by this Act authorized.

First and other Meetings.

32. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held on the *Tuesday* after the First Day of *August* and the *Tuesday* after the First Day of *February* in every Year.

Time and Place of Meetings.

33. All Meetings of the Company shall be held at the Works of the Company, or at such other Place and at such Time as the Directors shall from Time to Time appoint.

Notice of Meetings.

34. Seven Days Notice of all Meetings of the Company, whether ordinary or extraordinary, shall be given by a Circular addressed to each Shareholder through the General Post to his last known Residence in *Great Britain* or *Ireland*.

Quorum of Meetings.

35. The Quorum for every Meeting of the Company shall be Seven Shareholders, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Seven Shareholders may require an Extraordinary Meeting.

36. The Number of Shareholders who may require the Directors to call an Extraordinary General Meeting of the Company shall be Seven, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Accounts to be balanced periodically.

37. The Accounts of the Company shall be made up half-yearly to the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, and the Books shall be balanced at those Periods.

Voting.

38. For the Purpose of voting at the Meetings of the Company the Amount of Capital of the Company represented by all the Shares or Stock held by any Person shall be considered as divided into so many Shares of Fifty Pounds each as that Amount will admit of, and any Fraction of Fifty Pounds shall for such Purpose be disregarded, and the Number of Votes to which any Shareholder of the Company shall be entitled shall be determined by the Number of nominal Fifty Pound Shares into which the Amount of Capital held by such Shareholder is from Time to Time capable of being divided, and the following shall be the Scale of voting:

For One and not exceeding Four such Shares of Fifty Pounds	One Vote.
For Five and not exceeding Nine such Shares of Fifty Pounds each	Two Votes.
For Ten and not exceeding Fourteen such Shares of Fifty Pounds each	Three Votes.
For Fifteen and not exceeding Nineteen such Shares of Fifty Pounds each	Four Votes.
For Twenty such Shares and upwards of Fifty Pounds each	Five Votes.

Number of Directors.

39. The Number of Directors of the Company shall be Ten, but the Company may from Time to Time reduce the Number to any Number not less than Seven.

Qualification of Directors.

40. The Qualification of a Director shall be the Possession in his own Right of not less than Two hundred and fifty Pounds in the Capital of the Company.

Quorum of Meeting of Directors.

41. The Quorum of a Meeting of Directors shall be Three, and their Meetings may be held at any Place within the Limits of this Act they may from Time to Time appoint.

First and future Directors.

42. The Persons who at the passing of this Act formed the Committee of Management of the dissolved Company shall be the First Directors of the Company, notwithstanding any of them may not

not have the Qualification required by Section 40, and shall continue in Office until the Ordinary Meeting to be held in the Month of *February* One thousand eight hundred and sixty-eight; at that Meeting the Shareholders present personally 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 so many Directors as are required to supply the Place of those not continued in Office, the Directors appointed by this Act being, if qualified, eligible for Re-election, and after such Continuation or Election as aforesaid the Directors shall retire in manner provided by "The Companies Clauses Consolidation Act, 1845."

Directors to signify Consent before Election.

43. No Person other than a Director retiring by Rotation shall be elected a Director at any Meeting of the Company unless he shall have signified his Consent to become a Candidate by Notice in Writing left at the Office of the Company on or before the Day of Election.

Auditors.

44. The Auditors need not hold any Share or Stock in the Company.

Power to take Lands by Agreement to the Extent authorized by recited Act.

45. And whereas the Power of taking Lands by Agreement given to the dissolved Company by the recited Act has not been exercised to the full Extent thereby authorized: Be it enacted, That the Company may from Time to Time for the Purposes of their Undertaking purchase by Agreement any Lands which they may require for those Purposes, provided the Company do not at any One Time hold more than Two Statute Acres: Provided always, that the Company shall not erect any Works for the Manufacture or Storage of Gas upon any Lands so to be purchased.

Powers as to Gasworks and the Supply of Gas.

46. Subject to the Provisions of this and the incorporated Acts, the Company may erect, make, maintain, improve, and extend, and from Time to Time alter, discontinue, and renew, such Gasworks, Erections, Buildings, and Approaches thereto, Retorts, Gasometers, Receivers, Drains, Sewers, and other Works and Apparatus and Machinery as may be necessary and convenient for the making, storing, and supplying Gas within the Limits of this Act, and they may manufacture, sell, provide, supply, deal in, and dispose of as they shall think fit Coke, Coal, Lime, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and all other Products and Residuum of any Materials employed in or resulting from the Manufacture of Gas, or which can or may be produced or compounded from any Material used in the Manufacture of Gas, and may manufacture, sell, let, or deal in Gas Fittings, Gas Lamps and Posts, Tubes, Meters, Pipes,

and

and all other Articles and Things in any way connected with Gas-works or the Supply of Gas in such Manner as they think fit, and may provide and do all such things as they may deem expedient for the Purposes of the general and incidental Business of a Gas Company: Provided also, that nothing contained in this Act shall prevent the Company from being liable to an Indictment for Nuisance or to any other legal Proceedings to which they may be liable in consequence of any such Operations.

Company may lay Pipes against Buildings.

47. The Company may, with the Consent of the Owner and Occupier of any Building, lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or against such Building for the Purpose of lighting it, and may, with the like Consent, provide and set up any Apparatus necessary for securing to such Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply, and may from Time to Time, with the like Consent, repair, replace, alter, or discontinue and remove any such Pipe, Branch, or Apparatus.

Power to remove Meters and Fittings.

48. The Company may, after giving Twenty-four Hours Notice in Writing under the Hand of their Secretary to the Occupier, or if unoccupied, then to the Owner of any Land, House, or Building in which any Pipes, Mains, Meters, Fittings, or Apparatus belonging to the Company are laid or fixed, and through or in which the Supply of Gas shall by the Desire, Neglect, or Default of the Owner or Occupier be discontinued, enter such Land, House, or Building between the Hours of Eight in the Morning and Four in the Afternoon for the Purpose of removing and to remove such Pipes, Mains, Meters, Fittings, or Apparatus, repairing all Damage 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 last known or usual Place of Abode in *England*, or sent by Post addressed to such Person, or in case the Owner or Lessee of any such unoccupied House or Building be unknown to the Company after due Inquiry, then by affixing it for Three Days to some conspicuous Part of the House or Building.

Consumers may be required to consume by Meter.

49. Every Consumer of Gas supplied by the Company shall, on being required by the Company so to do, consume such Gas by Meter.

Consumer may provide Meter.

50. Every Consumer of Gas supplied by the Company may, at his own Expense, provide his own Meter, provided the same be duly stamped according to Law.

51. The

Register of Meter primâ facie Evidence.

51. The Register of the Meter shall be *primâ facie* Evidence of the Quantity of Gas consumed by any Customer of the Company, and in respect of which any Rent is charged and sought to be recovered by the Company.

Notice to Company to connect or disconnect Meter.

52. Before any Person shall connect or disconnect any Meter through which any Gas of the Company is intended to be or has been registered, he shall give not less than Twelve Hours Notice in Writing to the Company at their chief Office of his Intention so to do.

Repair of Meters.

53. Every Consumer of Gas supplied by the Company shall at all Times, at his own Expense, keep all Meters belonging to him whereby any Gas of the Company is registered in proper Order for correctly registering such Gas, in default whereof the Company may cease to supply Gas through such Meters, and the Company shall at all reasonable Hours have Access to and be at liberty to take off, remove, test, inspect, and replace any Meter belonging to such Consumer, such taking off, Removal, testing, Inspection, and replacing to be done at the Expense of the Company if the Meter be found in proper Order, but otherwise at the Expense of the Consumer.

Incoming Tenant not liable for Arrears of Gas Rate.

54. In case any Consumer leave the Premises where Gas was supplied to him without paying to the Company the Gas Rate or Meter Rent due from him, the Company shall not be entitled to require from the next Tenant of the Premises Payment of the Arrears left unpaid by the former Tenant unless the incoming Tenant had agreed with the defaulting Consumer to pay Arrears.

Fraudulently injuring Meters, &c.

55. If any Person shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any such Pipes Mains, Meters, or Fittings, or other Thing connected therewith, belonging to the Company, or shall alter the Index to any Meter, or fraudulently alter any Part of such Meter or any Pipes connected therewith, or in any way fraudulently, wilfully, or knowingly prevent such Meter from duly registering the Quantity of Gas supplied, or by any Means fraudulently abstract, consume, or use the Gas of the said Company, every Person so offending shall for every such Offence forfeit to the Company any Sum not exceeding Five Pounds, and the Company may in addition thereto recover the Amount of any Damage sustained by them, and may also discontinue, until the Act complained of is remedied, but no longer, the Supply of Gas to the Person or Company so offending, and that notwithstanding any Contract previously existing; and the Existence of artificial or irregular Means for causing such Alteration or Abstraction when such Meter shall be under the Custody or Control of the Consumer shall be *primâ facie* Evidence that

that the same has been knowingly, wilfully, and fraudulently caused by the Consumer using such Meter: Provided always, that this Enactment shall not prejudice any Right of the Company to institute any Criminal Proceedings in reference to such Offence in any Case where they shall not proceed summarily under this Act.

For preventing Frauds and Waste of Gas.

56. If and whenever any Person supplied with Gas by the Company wilfully does, causes, or suffers to be done anything in contravention of any of the Provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the Prevention of the Waste, Misuse, or undue Consumption of the Company's Gas, the Company may cut off or stop any Pipe by or through which Gas is supplied to him, and cease to supply him with Gas so long as the Cause of Injury remains, and also may recover in any Court of competent Jurisdiction from any Person so offending the Amount of all Loss, Damage, or Injury which the Company may sustain by reason of any such Thing or Failure, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies in that Behalf.

Recovery of Charges for Supply of Gas, Meters, or Fittings.

57. If any Person shall neglect to pay any Sum or Sums of Money due to the Company for the Supply of Gas, or for the Hire or fixing of Meters or Fittings, it shall be lawful for the Company or the Directors, or any Person acting under their Authority, to summon the Party in default before a Justice, and the Justice may order that the Sum so due, or any Part thereof, may be levied by Distress and Sale of the Goods and Chattels of the Person neglecting to pay the same wherever such Goods and Chattels may be found, the Surplus, if any, being rendered to the Person so neglecting to pay, after Deduction of the necessary Charges for such Distress and Sale, and the Justice shall issue his Warrant accordingly.

Contents of Warrant.

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

Warrant shall include Costs.

59. 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 the Money, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Recovery of Sums due to Company.

60. Whenever any Person neglects to pay any Gas Rate, Meter Rent, or other Sum due to the Company, the Company may recover the

the same, with full Costs of Suit, in any Court of competent Jurisdiction for the Recovery of Debts of the like Amount, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies in that Behalf.

Penalties not cumulative.

61. Penalties imposed on the Company for one and the same Offence by several Acts of Parliament shall not be cumulative, and for such Purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Liability to Gas Rate not to disqualify Justices.

62. No Justice or Judge of any County Court or Quarter Sessions shall, except as is by this Act otherwise provided, be disqualified from acting in the Execution of this Act by reason of his being liable under this Act to any Gas Rate, Meter Rent, or other Charge under this Act, or of his being a Shareholder of the Company.

Maximum Price of Gas.

63. The maximum Price at which Gas shall be sold by the Company to all Persons who shall consume the same by Meter shall not exceed Four Shillings and Sixpence *per* One thousand Cubic Feet.

As to Quality of Company's Gas.

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

Company to erect a Meter to test illuminating Power of Gas.

65. The Company shall, within Six Months after the passing of this Act, cause to be erected in some convenient Place in the Works of the Company an experimental Meter furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing and so situate as to test the illuminating Power of all the Gas of the Company, and shall at all Times keep and maintain the experimental Meter and Apparatus in good Repair and working Order.

Power to test the illuminating Power of the Gas.

66. It shall be lawful for Two Justices of the Peace from Time to Time by Order in Writing, and on the Requisition in Writing of any Five or more Persons being Consumers of the Gas of the Company, to appoint some competent Person, not being an Officer or Servant of the Company, to test the illuminating Power of the Gas, and the Person so appointed, on giving Twenty-four Hours previous Notice in Writing to the Company, may at any reasonable Hour in the Day-time, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Manager or other Officer of the

Company

Company make Experiment of the illuminating Power of the Gas by means of such experimental Meter and other Apparatus, 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 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.

Costs of Experiment to be paid according to Event.

67. 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 the Justices, and in the event of any Penalty being imposed on the Company shall be paid, together with such Penalty, by the Company, but in the event of no such Penalty being imposed on the Company, then those Costs shall be ascertained by the Justices, and shall be paid by the Persons signing the Requisition in equal Shares.

Company may contract for Water from said Canal.

68. The Company and the *Staffordshire and Worcestershire* Canal Company may contract together for the Supply to the Company of any Water necessary for their Works from the said Canal.

Powers of Corporation not to be obstructed.

69. Nothing in this Act contained shall prejudicially affect the Corporation in their Execution of the Powers and Authorities of an Act passed in the Fifty-third Year of the Reign of King *George* the Third, "for paving, cleansing, lighting, watching, and otherwise "improving the Streets and other public Passages and Places in "*Kidderminster* in the County of *Worcester*," or the Rights of any Person or Persons to make, enlarge, repair, or amend any Vault or Sewer under any Street within the Borough.

Corporation empowered to raise, sink, or alter Pipes, &c.

70. If for the Purposes of any Act or Acts in force for the Time being for paving the Borough of *Kidderminster*, or supplying the same with Water, it shall at any Time or Times be deemed necessary or expedient by the Corporation to require the Company to raise, sink, or otherwise alter the Situation of any of the Mains, Pipes, Stopcocks, Plugs, Syphons, or Branches which shall be laid down for the Purposes aforesaid, the Company shall at their own Expense, within Three Calendar Months next after being required so to do by Notice in Writing to them given by the Corporation, signed by their Clerk,

raise,

raise, sink, or alter such Mains, Pipes, Stopcocks, Plugs, Syphons, or Branches, according to such Notice, in such Manner and in such Place or Places as the Corporation shall think right and proper; and in default thereof it shall and may be lawful to and for the Corporation or their Surveyor, or any other Person or Persons acting by their Order or under their Authority, to cause such Mains, Pipes, Cocks, Plugs, Syphons, or Branches to be raised, sunk, or altered, and the reasonable Costs and Charges for doing the same shall immediately thereafter be paid by the Company: Provided nevertheless, that if such reasonable Costs and Charges be not paid within Twenty Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the Corporation (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the Borough or for the County of *Worcester*), all such reasonable Costs and Charges shall and may be recovered by Distress and Sale of the Goods and Chattels of the Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace as aforesaid, and which Warrant such Justice or Justices is and are hereby empowered to grant, and such Costs and Charges shall be paid to the Corporation.

Company, &c. not to lay Pipes across any Bridge belonging to Stafford-shire and Worcester-shire Canal Company.

71. Provided always, that nothing in this Act contained shall empower the Company or the Corporation to lay or construct any Pipe or other Works across or over any Bridge belonging to the *Stafford-shire and Worcestershire* Canal Company lower than the Soffit of the Arch of any such Bridge, or so as to reduce the present Headway under any such Bridge, or across or over the said Canal so as in any Manner to interfere with or hinder the Passage of Boats or other Vessels and the Cargoes thereof along the said Canal, or any Person, Horse, or other Animal passing along the said Canal or the Towing-path thereof.

Damages to be made good to the Company.

72. Provided always, that if by the raising, sinking, or altering any of the said Mains, Pipes, Cocks, Plugs, Syphons, or Branches any Damage or Injury shall be wilfully or negligently done to the same by the Corporation, or their Servants or Workmen, then and in every such Case such Damage or Injury shall be repaired and made good by the Company themselves as soon as Circumstances will permit, and the Costs, Charges, and Expenses thereof shall be paid by the Corporation to the Company, and in default of their being so paid within Fourteen Days after Demand thereof made by the Company may be recovered from the Corporation by the Company in any Court of competent Jurisdiction.

Expenses of Act.

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

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