CHAP. lvi.

An Act for the transfer to the mayor, aldermen, and burgesses of the borough of Leeds of the undertakings of the Leeds Gaslight Company and the Leeds New Gas Company; and for other purposes. [20th June 1870.] A.D. 1870.

WHEREAS two Companies, called respectively the Leeds Gaslight Company and the Leeds New Gas Company, are engaged in supplying gas to the parish and borough of Leeds, and the township of Roundhay in the parish of Barwick-in-Elmet, all in the west riding of the county of York, under the Acts enumerated in the first schedule to this Act (which two Companies are in this Act referred to as "the Companies"):

And whereas it has been agreed and it is expedient that the mayor, aldermen, and burgesses of the borough of Leeds (in this Act referred to as "the Corporation") shall purchase, and that the Companies respectively shall sell their undertakings to the Corporation on the terms and conditions in this Act specified, and that the Corporation after the purchase thereof should be empowered to manufacture gas, and to supply gas within the said borough (in this Act referred to as "the borough") and in the said township:

And whereas it is expedient that, in order to raise money for the purchase of the undertakings of the two Companies, the Corporation be empowered to borrow on mortgage of the borough fund and borough rate, and on the security of the works and property to be acquired, and of the gas rents to be received, and of the income to be derived under the powers of this Act:

And whereas the purposes aforesaid cannot be obtained 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,)

1. This Act may be cited as The Leeds Corporation Gas Act, 1870. Short title.

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10 & 11 Vict. c. 16. incorporated.

2. The Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, excepting sections 84 and 85, is, except where expressly varied by this Act, hereby incorporated with this Act; and in the construction of those provisions for the purposes of this Act, the expression "the Commissioners" shall be taken to mean the Corporation, and the expression "the clerk" or "the clerk to the Commissioners" to mean the town clerk of the borough.

Council of borough to execute Act.

3. The Corporation by the council of the borough are hereby empowered to carry this Act and the several powers thereof into execution.

Appointment of committees by Corporation.

4. For the purpose of carrying this Act into execution, the Corporation from time to time may appoint out of their own body such and so many committees, consisting of such number of persons as they think fit, for the execution of any of the purposes of this Act, which in the discretion of the Corporation would be better regulated and managed by means of such committee, and may delegate to any such committee such of the powers and duties of the Corporation under this Act as they think fit, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the Corporation, so that the acts of every such committee shall, if the Corporation so order, but not otherwise, be submitted to the Corporation for their approval, and the quorum of any such committee shall be such as the Corporation direct; and the Corporation may from time to time make such regulations as they think fit for the guidance of any such committee, and the Corporation may from time to time remove any members of any such committee, and appoint in the stead of them or any of them other members of the Corporation, and the attendance at and conduct of business at such committee shall be limited to the members thereof and their officials.

Power of Corporation to take transfer of gasworks.

5. On payment of the purchase moneys in this Act specified the Companies respectively shall sell and transfer to the Corporation the undertakings, works, property, powers, rights, and privileges of the Companies respectively, in the manner and subject as in this Act mentioned; provided nevertheless, that each Company shall be at liberty to retain out of their general assets or contingent fund the sum of two thousand five hundred pounds for the purpose of providing compensation at the discretion of their respective directors for any officers or others in their employment or service.

Form of transfer.

6. Such transfer by the Companies shall be by deeds duly stamped, in which the full consideration shall be set forth, and may

be in the forms in the second and third schedules to this Act annexed, or to the like effect, with such alterations therein or additions thereto as the circumstances of the case or the parties thereto require, and such transfers shall be under the respective common seals of the Companies and the Corporation.

Purchase money to be paid to Leeds Gaslight Company.

7. The Corporation shall on the first day of April one thousand eight hundred and seventy-one, or on such earlier day as herein-after provided, pay to the Leeds Gaslight Company as the purchase money for their undertaking a sum calculated at the rate of one hundred and forty pounds for each one hundred pounds stock standing in the books of the Company on that day, and a sum calculated at the same rate on the amount paid in respect of shares not consolidated into stock, such purchase money not exceeding in the whole the sum of three hundred and fifty-nine thousand nine hundred and forty-seven pounds four shillings, together with the amount of moneys received by the Company in anticipation of calls then remaining in their hands, and together also with such further sum as will be equivalent to a dividend at the rate of six per centum per annum upon the stock and share capital of the Company, and at the rate of four and a half per centum per annum upon the moneys in hand, in anticipation of calls from the end of the last half year preceding in respect of which they shall have received their dividend and interest respectively to the first day of April one thousand eight hundred and seventy-one, or such earlier day as such purchase money and other moneys shall be paid; and if from any cause the said purchase money and other moneys shall not be fully paid on the first day of April one thousand eight hundred and seventy-one, or such earlier day as aforesaid, the Corporation shall in addition, as liquidated damages, pay interest on the full amount of the said purchase money and other moneys at the rate of ten pounds per centum per annum from the first day of April one thousand eight hundred and seventy-one up to the day whereon the same shall respectively be fully paid by the Corporation; provided that the Corporation may, if they think fit, pay the said purchase money on the first day of any month previous to the first day of April one thousand eight hundred and seventy-one, on giving to the Company one month's notice in writing under the hand of the town clerk of their intention so to do.

Purchase money to be paid to Leeds New Gas Company.

8. The Corporation shall on the first day of April one thousand eight hundred and seventy-one, or on such earlier day as herein-after provided, pay to the Leeds New Gas Company as purchase money for their undertaking a sum calculated at the rate of one hundred and forty pounds for each one hundred pounds stock standing in the books of the Company on that day, and a sum calculated at the

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same rate on the amount paid in respect of shares not consolidated into stock, such purchase money not exceeding in the whole the sum of three hundred and twenty-nine thousand pounds, together also with such further sums as will be equivalent to a dividend at the rate of six per centum per annum upon the stock and share capital of the Company from the end of the last half year preceding in respect of which they shall have received their dividend to the first day of April one thousand eight hundred and seventy-one, or such earlier day as may be fixed for payment of such purchase money and other moneys; and if from any cause the said purchase money and other moneys shall not be fully paid on the first day of April one thousand eight hundred and seventy-one, or such earlier day as aforesaid, the Corporation shall in addition, as liquidated damages, pay interest on the full amount of the said purchase money and other moneys at the rate of ten per centum per annum from the first day of April one thousand eight hundred and seventy-one up to the day whereon the same shall respectively be fully paid by the Corporation; provided that the Corporation may, if they think fit, pay the said purchase money on the first day of any month previous to the first day of April one thousand eight hundred and seventy-one, on giving one month's notice in writing under the hand of the town clerk of their intention so to do.

Application of money paid in respect of prepaid calls.

9. The money payable by the Corporation to the Leeds Gaslight Company in respect of prepaid calls on part of the shares in the Company shall be divided and distributed amongst the holders of such shares, their respective executors, administrators, and assigns, in proportion to the amount of such prepaid capital advanced by them upon their respective shares.

Application of purchase moneys payable by Corporation.

10. Each Company shall stand possessed of the purchase money for its own undertaking when paid, and of the money payable by the Corporation in lieu of dividend, in trust to divide and distribute the same amongst the holders of stock and shares in the capital of the Company, their respective executors, administrators, and assigns, rateably and in proportion to their share of such stock and the amount paid in respect of calls on their shares, and the directors of each Company may exercise all powers necessary for distributing the same and winding up the affairs of their own Company.

Corporation to pay expense of transfer, &c.

11. The Corporation shall be at the expense of the deeds, including the stamp duties thereon, which may be requisite to complete the transfers to them of the undertakings of the Companies respectively, and also of the distribution of the purchase moneys and other moneys amongst the shareholders of the Companies respectively, and of all other expenses which the Companies respectively may incur in winding up their concerns.

Receipt of three directors a discharge.

12. The receipt of any three of the directors of either of the Companies for the purchase money of their undertaking indorsed on such deed of transfer shall be a sufficient discharge to the Corporation for the same, and the Corporation shall not be bound to see to the application or be answerable for misapplication or non-application thereof.

Actions, &c. by and against Company not to abate.

13. Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against either of the Companies previously to the transfer by such Company shall not abate or be discontinued by the transfer, but on the contrary shall continue and take effect both in favour of and against the Corporation in the same manner to all intents and purposes as in case the transfer had not been made the same would have continued and taken effect in favour of or against the Company transferring, and the Court in which any such action, suit, prosecution, or other proceeding is pending or any judge may upon the application in a summary way of any party thereto cause the name of the Corporation to be substituted for the name of the Company as party to such action, suit, prosecution, or other proceeding, and the name of the Corporation shall after any such substitution be used in any such action, suit, prosecution, or other proceeding in like manner as if the Corporation instead of the Company had originally been party thereto.

Byelaws, &c. to remain in force.

14. Notwithstanding the transfer, all byelaws, rules, regulations, and orders made by the Company transferring shall continue in force until the same be repealed, altered, or varied by the Corporation, and such byelaws, rules, regulations, and orders, and all penalties and forfeitures thereby respectively imposed, may and shall be enforced, recovered, and applied by the Corporation in the same manner in all respects as if the same had been made and imposed respectively by the Corporation.

Officers to continue until removed.

15. All officers and persons appointed to or in office or employment under either Company at the time of the transfer shall continue in their respective offices and employments according to their respective appointments until removed therefrom by the Corporation, and all such officers and persons shall have the same powers, privileges, and advantages, and all such officers and persons and all sureties shall be liable to the same or the like conditions, penalties, obligations, restrictions, and regulations, as if such officers and persons had been appointed by the Corporation under this Act, and such sureties had become bound under this Act to or for the benefit of the Corporation.

Books evidence as to shareholders.

16. The persons who appear in the books of each Company to be proprietors of shares in the capital of the Company shall, unless the

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contrary is proved to the satisfaction of the directors of the Company, be considered to be shareholders of the Company for the purposes of the distribution of the Company's assets.

Powers of Companies continued until purchase completed.

17. The powers of the Companies and the directors under the Acts of Parliament now relating to or affecting the Companies shall remain unaffected until the completion by the Corporation of the purchase of the undertakings of the Companies respectively, and accordingly until the completion of the said purchases the said powers shall be exerciseable by the respective Companies and their directors in every respect as if this Act had not passed.

Company to be dissolved.

18. When and as soon as the assets of either of the Companies have been distributed in manner aforesaid, and their affairs have been wound up, such Company shall be by virtue of this Act dissolved.

Operation of transfer.

19. From and after the execution of the transfers, or either of them, all the undertaking, works, property, interests, claims, and demands whatsoever of the Company so transferring, subject to any exceptions or other provisions in the transfer expressed, shall thenceforth be and remain vested in and exercised by the Corporation and form part of the corporate estates of the Corporation, but subject to all mortgages, charges, incumbrances, debts and liabilities, and obligations at the time of the transfer affecting the Company or the property thereof, and may be holden, enjoyed, and disposed of accordingly by the Corporation, and the Corporation shall indemnify the Companies against all debts, liabilities, and obligations of every description.

Powers of Company may be exercised by Corporation.

20. From and after the execution of the transfer by either of the Companies all the statutory and other rights, powers, privileges, and authorities by or under any Act conferred on, given to, or vested in the Company transferring, so far as the same can be applicable to a Municipal Corporation, and subject to all the statutory and other obligations, restrictions, and duties by or under any Act imposed or incumbent on the Company, so far as the same can be applicable to a Municipal Corporation and are not inconsistent with this Act, shall apply to and be vested in the Corporation, and may be used, exercised, and enjoyed by the council of the borough for and on behalf of the Corporation, and the officers, agents, and servants respectively of the council accordingly, and the common seal of the Corporation may be used when necessary in reference thereto, in like manner as if the Corporation had been originally named in and authorised to execute every such Act.

Power to hold licenses under letters patent.

21. After the transfer from either Company the Corporation may take, hold, and use any license or authority (not being exclusive) under any letters patent for the use of any invention relative to

the manufacture or distribution of gas or the utilisation of residual products.

Limiting charge for supply of gas by meter.

22. The maximum price at which gas shall be sold by the Corporation to all persons who shall burn the same by meter shall not exceed three shillings and ninepence per one thousand cubic feet.

Rebates on gas rents.

23. The Corporation may allow rebates to consumers of gas upon such scale and subject to such conditions and regulations as they may from time to time prescribe, but no such rebate shall in any case exceed twenty per cent., and a rebate at least equal to that allowed to any consumer shall be allowed to every other consumer of the same or a greater quantity of gas.

Illuminating power of gas.

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

Obligations on Corporation as to supply.

25. The Corporation shall, on the request in writing of the owner or occupier of any building or part of a building within fifty feet of which any main of the Corporation is laid, furnish to such owner or occupier a supply of gas for such building or part of a building on the following conditions; namely,

First. That the owner or occupier making such request do, if required by the Corporation, give to them at his own expense reasonable security for payment for the gas to be supplied:

Second. Where such security is by way of a money deposit the Corporation shall on the expiration of six months from the date of such deposit, and as long thereafter as such deposit shall remain in their hands, allow the depositor interest thereon at the rate of four pounds per centum per annum:

Third. That such owner or occupier do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the Corporation is placed:

Fourth. That such owner or occupier do, if required by the Corporation, pay in advance the estimated amount of such cost and expenses:

And any dispute as to any matter arising under the present section shall be settled by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," respecting matters thereby directed to be settled by arbitration.

Corporation to provide testing meter

26. Within six months after the passing of this Act the Corporation shall provide in some part of their works, or of their principal

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for testing illuminating power of gas.

office, so placed as to afford a test for all the gas supplied by the Corporation, a proper and sufficient testing 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 an hour, with other apparatus proper and sufficient for testing the illuminating power of the gas.

Provision for testing quality of gas.

27. Any five consumers of gas may by order in writing appoint some competent person, not being one of themselves, to proceed to the works of the Corporation, and the person so appointed may at any reasonable hour in the daytime on producing the said order enter on the premises of the Corporation, and in the presence of the superintendent or other officer of the Corporation make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus provided under this Act, and the Corporation and their officers shall afford all reasonable facilities and assistance for making such experiment, and if it shall be proved to the satisfaction of any two justices after hearing the parties that the illuminating power of the gas supplied by the Corporation did not when so tested as aforesaid equal the illuminating power by this Act prescribed, or that the Corporation or their officers refuse to afford such reasonable facilities as aforesaid or hindered or prevented the making of such experiment, in any such case the Corporation shall forfeit such sum not exceeding twenty pounds as such justices shall determine.

Costs of experiment to be paid according to the event.

28. 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 Corporation shall be paid together with such penalty by the Corporation, but in the event of no penalty being imposed such costs shall be awarded to be paid by the person complaining to the Corporation, and shall be paid or levied accordingly.

Power to Corporation to borrow on mortgage.

29. The Corporation may borrow the moneys from time to time required by them for all or any of the purposes of this Act, not exceeding the sum of nine hundred and fifty thousand pounds, on mortgage or other security upon the borough fund and borough rates of the borough, and on the security as from the times of the respective transfers of the undertakings, works, and property to be vested in the Corporation under this Act, and of the gas rents and of the other income to be derived under this Act.

Expenses and income of Corporation under this Act.

30. All the interest on money borrowed on mortgage or on annuities granted and other moneys expended by the Corporation for any of the purposes of this Act, and the costs, charges, and

expenses of and incident to the preparing, applying for, obtaining, and passing of this Act, and carrying the same into execution, shall be charged upon and be paid or satisfied out of the borough fund of the borough as if the same were expenditure necessarily incurred in executing with reference to the borough the Act of the 5th and 6th William IV., chapter 76, and all the gas rents, charges, damages, penalties, and other moneys whatsoever received by or for the benefit of the Corporation under this Act, or in carrying it into execution (not being money borrowed on mortgage or annuity), shall, except as by this Act otherwise provided, be paid to the credit of and form part of that borough fund.

Differential rating in respect of canals and railways.

31. As regards any rates to be assessed and levied under the authority of this Act, or so far as any rate may be increased for the purposes of this Act, the occupier of any land covered with water or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of such property, so far as the rate may be made or increased for the purpose of this Act, in the proportion of one fourth part only of the net annual value thereof: Provided always, that if any sum shall be paid by such occupier towards any rate to be assessed and levied or increased as aforesaid above one fourth of any such rate, the Corporation shall allow to such occupier a drawback on his or their assessment to such rate equal to three fourths of such rate, and the amount of such drawback may be recovered by action at law or may be deducted out of the next rate to which the parties respectively may be liable.

Power to Corporation to sell estates.

32. The Corporation may from time to time sell and absolutely dispose of and convey such of the estates and effects vested in the Corporation by or under the transfers, or either of them, as shall not be required for the purposes of this Act, and the moneys arising from such sales shall be applied in or towards discharge of the principal moneys secured thereon or borrowed by the Corporation under this Act.

Corporation not to sell or encumber without the approbation of the Treasury.

33. Nothing in this Act contained shall enable the Corporation to sell, alienate, encumber, or demise for the purposes of this Act, without the approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any two of them, any lands, tenements, or hereditaments which they could not have sold, alienated, encumbered, or demised without such approbation before the passing of this Act.

Application of money borrowed.

34. All money borrowed by the Corporation under this Act shall be applied in payment of the costs, charges, and expenses preliminary

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to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, and in the purchase of the works and property which they are by this Act authorised to purchase, and in carrying this Act into execution, and not otherwise.

Creation of funded debt.

35. The Corporation from time to time, in lieu of continuing on bond or mortgage money borrowed or authorised to be borrowed under this Act, may resolve to fund the whole or any part thereof under the denomination of the Leeds Corporation Funded Debt, and thereupon may issue to any person or body paying to them any portion of the money funded a certificate of that person or body being the holder of such funded debt to the amount so paid, and every such certificate may be according to the form in the fourth schedule to this Act or to the like effect, and shall be under the seal of the Corporation, and the borrowing powers of the Corporation shall to the extent of the money so from time to time converted into funded debt be extinguished.

Register of holders of funded debt.

36. The Corporation shall from time to time cause the names of the persons and bodies interested in such funded debt, with the amount of their respective interests therein, to be entered in a book to be kept for that purpose and to be called The Register of Holders of Leeds Corporation Funded Debt, which book shall be accessible at all reasonable times to the holders of such debt, and of mortgages or assignations granted by the Corporation under this Act.

Transfer of funded debt.

37. The interests of the several holders of such funded debt, or any part of such interests, may be transferred or transmitted in the same manner and subject to the same regulations and provisions, mutatis mutandis, as or according to which any mortgage or assignment granted by the Corporation may be transferred or transmitted under this Act and any Act incorporated herewith; and the Corporation shall cause an entry to be made in a book to be kept for that purpose of every such transfer or transmission, and for every such entry may demand a sum not exceeding two shillings and sixpence.

Annuity to be paid.

38. The several holders of such funded debt shall not be entitled to repayment of the capital thereof, but shall receive an annuity thereon at such a rate as shall from time to time have been agreed on and to be specified in the respective certificates issued to holders of the debt, which annuity shall be payable at the times in the several certificates stated.

Security of holders of funded debt.

39. The several holders of such funded debt shall be creditors of the Corporation for the payment of such annuity, and shall be deemed to hold by virtue of this Act a mortgage or an assignment of the lands, property, and works to be acquired by the Corporation under this Act, and of the rents, charges, and revenues to be levied

and received by them for the supply of gas and the sale of residual products, and of the borough fund and borough rate, in security of such payment, which mortgage and assignation shall rank pari passu with the other mortgages and assignations made and granted under this Act, and shall confer the like powers and privileges.

Saving existing mortgages of Companies.

40. Nothing in this Act contained shall prejudicially affect the mortgages and debenture stocks of the Companies existing at the passing of this Act.

Arrears may be enforced by appointment of a receiver.

41. The mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, or holders of funded debt arrear of annuities due to them, by the appointment of a receiver, and in order to authorise the appointment of a receiver the amount owing to the mortgagees and holders of funded debt by whom the application for a receiver is made shall not be less than fifty thousand pounds.

Transmission of mortgages in case of bankruptcy.

42. If any mortgage, security, or annuity be transmitted in consequence of the bankruptcy of the person entitled thereto, there shall be produced to the Corporation or their town clerk official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee, official assignee, or other person to whom such estate shall be transferred.

Sinking fund.

43. The Corporation shall, after the expiration of two years from the passing of this Act, set apart as a sinking fund a sum not less than one per centum per annum on the amount borrowed under this Act, which sinking fund shall from time to time with the accumulations thereof be applied by the Corporation to the redemption of mortgages or annuities, and not otherwise.

Separate account.

44. The Corporation shall keep a separate account of receipts and payments, credits, and liabilities under this Act (to be called the Leeds Corporation Gas Account), and shall distinguish therein capital and revenue.

Saving rights of Aire and Calder navigation.

45. Nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the estates, rights, privileges, property, powers, or authorities of the undertakers of the navigation of the Rivers Aire and Calder in the county of York.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Acts relating to the two Companies.

I. The Leeds Gaslight Company.

Session and chapter.	Short title.
16 Vic. c. xlv. -	The Leeds Gaslight Company's Act, 1853.
26 Vic. c. xv. -	The Leeds Gaslight Company's Act, 1863.

II. The Leeds New Gas Company.

Session and chapter.	Short title.
17 Vic. c. iv. - -	The Leeds New Gas Company's Act, 1854.
25 Vic. c. xxviii. -	The Leeds New Gas Company's Act, 1862.
31 & 32 Vic. c. xlv. -	The Leeds New Gas Company's Act, 1868.

THE SECOND SCHEDULE.

Form of Transfer.

In pursuance of "The Leeds Corporation Gas Act, 1870," the Leeds Gaslight Company hereby make to the mayor, aldermen, and burgesses of the borough of Leeds, who hereby accept, a transfer of all the undertaking, estates, property, and effects of that Company, subject to all mortgages, charges, incumbrances, and liabilities now affecting that Company, or any of the property thereof. (*Here may follow any conditions, covenants, or provisions mutually agreed on.*)
As witness the respective common seals of the Company and the Corporation, this day of in the year of our Lord .

THE THIRD SCHEDULE.

FORM OF TRANSFER.

IN pursuance of "The Leeds Corporation Gas Act, 1870," the Leeds New Gas Company hereby make to the mayor, aldermen, and burgesses of the borough of Leeds, who hereby accept, a transfer of all the undertaking, estate, property, and effects of that Company, subject to all mortgages, charges, incumbrances, and liabilities now affecting that Company, or any of the property thereof. (*Here may follow any conditions, covenants, or provisions mutually agreed on.*) As witness the respective common seals of the Company and the Corporation, this day of in the year of our Lord .

THE FOURTH SCHEDULE.

FORM OF CERTIFICATE OF FUNDED DEBT.

No.

THIS is to certify that *A.B.* [*name and designation*] is the holder of pounds of the Leeds Corporation Funded Debt created by and under the provisions of the Leeds Corporation Gas Act, 1870, and is entitled to receive an annuity on that sum at the rate of per centum per annum.

Dated this day of 18 .

(L.S.)

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