belonging to such Person for any Advowson or Ecclesiastical Patronage belonging to any Ecclesiastical Corporation aggregate or sole, or any other Person.

Treasurer's Receipts to be full Discharges.

XLIII. Every Receipt or Acknowledgment of Payment already given or to be given by the Treasurers for the Time being of the said Ecclesiastical Commissioners shall fully discharge the Person or Corporation to whom the same shall be given from all Responsibility in respect of the Amount in such Receipt or Acknowledgment expressed to have been received or paid, and from all Liability in respect of the Application or Misapplication thereof.

Not to affect Christ Church, Oxford, or Collegiate Church at Manchester.

XLIV. Nothing in this Act contained, except Sections Eighteen, Nineteen, and Forty-two, shall in any Manner affect or apply to the Cathedral Church of *Christ* in *Oxford*, nor shall anything in this Act contained affect or apply to the Cathedral or Collegiate Church of *Manchester*, or to the Parish of *Manchester* Division Act, 1850.

CAP. CXXV.

An Act for better regulating the Supply of Gas to the Metropolis.

[28th *August* 1860.]

'WHEREAS the following Gas Companies; (that is to say,) "The Gaslight and Coke Company," "The *City of London* Gaslight and Coke Company," "The *Commercial* Gaslight and Coke Company," "The *Equitable* Gaslight Company," "The *Great Central* Gas Consumers Company," "The *Independent* Gaslight and Coke Company," "The *London* Gaslight Company," "The *Phœnix* Gaslight and Coke Company," "The *Ratcliff* Gaslight and Coke Company," "The *Surrey* Consumers Gas Company," "The *South Metropolitan* Gaslight and Coke Company," "The *Western* Gaslight Company (Limited)," "The *Imperial* Gaslight and Coke Company," or some of them, are respectively incorporated under the Authority of Parliament, for the Purpose of supplying several Districts of the Metropolis with Gas; and the said Companies, instead of supplying Gas by several Mains in the same District, have agreed, as far as possible, each One to confine its Supply to a separate District, in order to economise Capital and avoid the too frequent opening of the public Streets, and, subject to the Provisions and Restrictions of this Act, it is expedient that such districting should receive the Sanction of Parliament: And whereas the Regulations to which those Companies are subject are not uniform: And whereas it is expedient that Provision be made for the due Regulation of all Companies and Persons supplying Gas within the Metropolis:' 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.

I. This Act may for all Purposes be cited as "Metropolis Gas Act, 1860."

10 & 11 Vict. c. 15. incorporated with this Act.

II. "The Gasworks Clauses Act, 1847," (except so far as the Provisions thereof are inconsistent with this Act,) is incorporated with and forms Part of this Act, and shall apply to the several Companies before named or referred to as fully as if the Gasworks of the several Companies were authorized by this Act; and the Expression "Undertakers" in the recited Act shall be held to apply to every Gas Company affected by this Act; but it shall not be lawful for any Gas Company, by the Application of any of their Profits or Funds, to make up to the prescribed Rate, or the Rate of Ten Pounds *per Centum per Annum* where no such Rate shall be prescribed, any Dividend which shall have been payable more than Six Years previously; provided that the Powers vested in the Justices by the said Act shall be exercised by a Magistrate.

Companies and Persons to whom Act applies.

III. This Act applies to the several Gas Companies, and to all Persons already or hereafter supplying Gas within the Metropolis, except as herein-after excepted.

IV. In

IV. In the Construction of this Act the following Words and Expressions have the following Meanings, unless excluded by the Subject or Context; (that is to say,) Interpretation of Terms.

The Expression "Gas Company" or "Gas Companies" means and includes any and every Company, and any Person or Persons, supplying Gas within the Limits of this Act:

The Expression "Local Authority" includes the Metropolitan Board of Works, Vestries, and District Boards appointed under an Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, for the Local Management of the Metropolis:

The Word "Inspector" or "Inspectors" shall mean any Metropolitan Gas Inspector or Inspectors to be appointed under this Act:

The Word "Consumer" means a Person receiving or entitled, in accordance with this Act, to receive a Supply of Gas from any Gas Company:

The Word "the Metropolis" has the same Meaning as in the said Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty:

The Word "District" means, with respect to every Gas Company supplying Gas wholly or in part within the Metropolis, the District, so far as it is within the Metropolis, within which the Gas Company are from Time to Time authorized to supply Gas, and means, with respect to any Person or Persons not being a Gas Company, but supplying Gas wholly or in part within the Metropolis, the District within the Metropolis within which he or they shall from Time to Time as a Trade or Business supply Gas:

The Word "Street" includes Square, Court, Alley, Highway, Lane, Road, Thoroughfare, and public Passage or Place:

The Word "Premises" includes public and private Messuages and other Buildings, Lands, and Tenements whatsoever:

The Word "the Gasworks" means the Works of the respective Gas Companies, and the Works connected therewith:

The Word "Rate" includes all Rents and other Payments for a Supply of Gas:

The Word "Meter Rent" includes all Rents and other Payments for the Use of Gas Meters:

The Word "Magistrate" means any Police or Stipendiary Magistrate acting in and for the District of the Metropolis in which the Matter referred to him arises, and in the City of *London* and the Liberties thereof shall mean any Justice of the Peace for the City of *London* and the Liberties thereof:

The Words "Common Gas" shall mean Gas of an illuminating Power herein-after defined of not less than Twelve Candles:

The Words "Cannel Gas" shall mean Gas of an illuminating Power herein-after defined of not less than Twenty Candles.

V. The Limits of this Act shall be the Metropolis: Provided always, that this Act and the several Clauses and Provisions thereof shall not extend or apply or be construed to extend or apply to the several Gas Companies set forth and enumerated in the Schedule annexed to this Act; provided also, that the Districts severally specified and described in the Acts and Instrument of Incorporation respectively mentioned in the said Schedule, or within which the said Companies or any of them are now supplying Gas, (notwithstanding the said Districts, or any Portions thereof, are or may be within the Limits of the Metropolis as defined by this Act,) shall not be included or deemed to be included in the Expression "the Metropolis," or any Extension thereof which may hereafter be made, under the Provisions of the herein-before mentioned Act of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty; provided also, that if the said Companies or any of them shall supply Gas in Parts of the Metropolis other than those within their respective Districts as defined in the said Schedule, then the Provisions of this Act shall be held to apply to such Companies respectively so far only as regards such extended Limits as may be within the Metropolis. Limits of Act.

VI. The

Sanctioning Assignment of Districts to Gas Companies to be subject to triennial Revision.

VI. The Limits of each of the said Companies shall be the respective Districts supplied with Gas by such Companies as the same are defined upon Four duplicate Maps, signed by the Right Honourable *Thomas Henry Sutton Sotheron Estcourt*, and which Maps have been severally deposited with the respective Clerks of the Peace for the Counties of *Middlesex*, *London*, *Surrey*, and *Kent*; provided that at the Expiration of Three Years next after the passing of this Act, and of every Three Years thereafter, Her Majesty's Principal Secretary of State for the Home Department for the Time being may, either upon the Application and with the Consent of any Two or more of the said Gas Companies whose Districts adjoin one another, make any Alteration in the Boundaries of such Districts, or, upon the Application of any Local Authority, or upon the Requisition of not less than Twenty Gas Consumers within any District or Districts proposed to be affected, and upon Proof to his Satisfaction being given that any of the said Gas Companies are not in a Condition adequately to supply with Gas their respective Districts, or have substantially failed to fulfil the Obligations imposed by this Act, may make such Alterations in the Boundaries of such Districts, or admit any new Company respectively, as he thinks proper; and all such Alterations shall be certified on One or more Maps, to be signed by the said Secretary of State, and deposited with One or more of the said Clerks of the Peace; and such last-mentioned Map or Maps shall be binding on all Parties, and the Provisions of this Act shall be held to apply to the several Districts when so altered, and to the several Companies affected thereby, as fully and effectually as if no Alteration in such Districts had been made, and no other Company or Person than the Company to whom such Limits are for the Time being assigned or shall hereafter be assigned shall supply Gas for Sale within the said Limits, unless authorized by Parliament so to do; provided that before proceeding to consider the Necessity for altering any of the said Districts the said Secretary of State shall cause at least One Month's Notice to be given of such Application to all Parties interested therein or affected thereby, and such Notice shall state the Day and Hour when and the Place where such Application will be considered; and Notices to be given to any Gas Company shall be left with the Secretary or some other principal Officer of the Company, and Notices to be given to any Local Authority shall be left with the Clerk or some other principal Officer of the said Local Authority.

On Complaint as to Quantity and Quality, Secretary of State may appoint a Person as Inspector to inquire and report.

VII. If at any Time Complaints as to the Quantity or Quality of the Gas supplied by any Company be made to the said Secretary of State by Memorial in Writing from the Metropolitan Board of Works, or any Vestry or District Board of Works, signed by their Clerks respectively, or not less than Twenty Inhabitant Householders paying Rates for and supplied with Gas by any such Company, it shall be lawful for the said Secretary, at any Time within One Month after the Receipt of such Complaint, to appoint a competent Person as Inspector, to inquire into and concerning the Grounds of such Complaint, and to report to the said Secretary thereon.

Power of Inspector so appointed.

VIII. The Inspector so appointed as aforesaid shall give Notice of his Appointment in Writing to the Company, and at any Time after Twenty-four Hours from the Time of his giving such Notice as aforesaid he shall have Power to inspect and examine the Gasworks of the Company, and to inquire into and concerning the Grounds of such Complaint, and the Company and their Officers shall afford all reasonable Facilities for such Inspection, Examination, and Inquiry.

Penalty on obstructing Inspector.

IX. Any Person obstructing such Inspector in the due Prosecution of such Inspection, Examination, or Inquiry shall forfeit and pay any Sum not exceeding Ten Pounds.

Notice if Complaint well founded.

X. If after Receipt of such Report it shall appear to the said Secretary that the said Complaint is well founded, the said Secretary shall give Notice thereof in Writing to the Company.

Company to remove Ground of Complaint.

XI. After the Receipt of such Notice the Company shall and they are hereby required, within a reasonable Time, to remove the Grounds of such Complaint.

Gas Companies to obey Orders of Secretary of State.

XII. Every Gas Company shall in all things obey the Orders of the said Secretary made in pursuance of this Act, and in default of their so doing they shall be liable to a Penalty not exceeding Fifty Pounds for each Offence.

XIII. All

Cost of altering District.

XIII. All the Costs, Charges, and Expenses of and incident to any Inquiry and Decision of the said Secretary of State under this Act shall from Time to Time be borne and paid by such Parties as the said Secretary of State shall direct, and such Decision may, upon an *ex-parte* Application, be made a Rule of any of Her Majesty's Superior Courts of Law at *Westminster*.

Gas Companies to provide Pipes, and supply Gas and Meters at prescribed Rents.

XIV. Every Gas Company from Time to Time supplying Gas within any District shall, as to any Premises or Street within such District not already supplied with Gas, and which shall lie within Fifty Yards of any existing Mains, at their own Expense, on being required by the Owner or Occupier of any Premises within the District or in part within the District, who shall contract for not less than Two Years to pay Gas Rates in respect of such Supply to an Amount equal to Twenty *per Cent.* upon the Outlay, provide and lay all proper and sufficient Communication, Service, and other Pipes up to the Premises of such Owner or Occupier, to communicate with the Gas Company's Mains, and shall, if so required by the Owner, Occupier, or Local Authority, furnish him or them, at the Rate prescribed by this Act, with a Supply of Gas for the Purpose of being used in or on the Premises, or for lighting the Street, and if so required by the Owner or Occupier, furnish him with One or more Meters, for ascertaining the Quantity of Gas consumed; provided that the Gas Company shall not be bound to supply more than One Meter for each Consumer occupying a separate Dwelling or Apartment, nor any Meter exceeding a Five-Light Meter; provided also, that the Meter Rent which the said Company shall be entitled to claim for such Meter shall not exceed Ten *per Cent.* on the net Cost of such Meter; provided that it shall not be lawful for any Company not charging a Meter Rent on the First Day of *January* One thousand eight hundred and sixty to charge such Rent within their District until after the First Day of *January* One thousand eight hundred and sixty-two.

Security to be given to Gas Company, if required.

XV. Provided, That the Owner or Occupier, if so required in Writing by the Gas Company or any of their Officers, shall, before he is entitled to have the Pipes provided and laid, or to have a Supply of Gas or of Meters furnished, give to the Gas Company such Security for the Payment of the Rate for the Gas to be supplied to him, and of the Meter Rent for every Meter to be supplied to him, as he and the Gas Company agree on.

Differences as to Security to be determined by a Magistrate.

XVI. Provided, That if the Owner or Occupier and the Gas Company cannot agree thereon, the Security to be given shall be determined by a Magistrate; and any single Magistrate shall, on the Application of the Owner or Occupier and the Gas Company, or either of them, determine the Nature and Amount of the Security to be given; and the Security may, as the Magistrate thinks fit, be the Deposit with the Gas Company, or with any Person approved by the Magistrate, or the Prepayment to the Gas Company, of a Sum of Money or any other Security which the Magistrate thinks sufficient and reasonable; and the Determination of the Magistrate shall be binding on all Parties, and final: Provided that if the Security be the Deposit with the Gas Company of a Sum of Money, the Gas Company shall pay Interest thereon to the Consumer at such Rate as the Magistrate shall determine.

Penalty on Gas Company failing to provide Pipes or Supply of Gas or Meters.

XVII. If the Gas Company, not being entitled to require or not having required any Security wilfully fail for Seven Days after being thereunto required in Writing by the Consumer, or where the Security agreed on or determined by the Magistrate is given, shall wilfully fail for Fourteen Days thereafter to provide and lay all proper and sufficient Communication, Service, and other Pipes, or to furnish a Supply of Gas, or to furnish any Meter, pursuant to the Provisions of this Act, then and in every such Case the Gas Company shall, on a summary Conviction before a Magistrate, forfeit and pay to the Consumer not exceeding Forty Shillings for every Day after the Expiration of Seven or Fourteen Days respectively during which the Failure continues.

Gas to be consumed by Meter, if required by Companies.

XVIII. Provided, That every private Consumer shall, if so required in Writing by the Gas Company, consume the Gas by Meter, but any Consumer may, if he thinks fit, provide his own Meter.

Gas Companies may contract for Supply.

XIX. Subject to the Provisions of this Act, every Gas Company, from Time to Time, may enter into any Contract with any Owner, Occupier, or Local Authority for all or any of the following Purposes; that is to say, for supplying him or them with Gas, and with Pipes, Burners, Meters, Lamps, Lamp Posts, and other Apparatus, and for the Repair and cleansing and for the lighting and extinguishing thereof, in such Manner and on such Terms and Conditions as the Parties agree.

Contracts valid though not under Seal.

XX. Provided, That, notwithstanding its being required by any Act of Parliament or otherwise that the Gas Company's Contracts shall be under Seal, every Contract of the Gas Company entered into in accordance with this Act shall without Seal be binding on them, if the Contract be signed by at least Two of their Directors, or by their Secretary or other Officer, by the Authority of at least Two of their Directors.

Restrictions on Contracts with Gas Companies.

XXI. Provided, That no Contract for any of those Purposes shall contain any Term or Condition contrary to any of the Provisions of this Act, or for giving in case of Difference the sole Arbitrament thereon to the Gas Company or any Officer or Person who is or has been employed by them, or who may have a pecuniary Interest in such Company, or for requiring any Notice by a Consumer discontinuing his Supply of Gas or Meter which shall make him liable to pay more than One Month's Rate or Meter Rent after the Time of the Service of the Notice, or which shall entitle the Gas Company, except for Breach of any of the Provisions of this Act, to discontinue any Supply of Gas by less than One Month's Notice in Writing to the Consumer, unless the Rate due for Gas shall be in arrear, in which Case Three Days Notice in Writing to the Consumer shall be sufficient.

Gas Companies to light Streets when required by Local Authority.

XXII. The Gas Company shall well and effectually light all public Lamps in all Streets which they are required by the Local Authority to light, and shall, according to the Terms of their Contract, supply to the Local Authority so much Gas as they require for their public Lamps; provided that the Gas Company shall not be compelled to light any Street with Lamps at a greater Distance from each other than Seventy-five Yards.

Local Authorities may provide Lamp Posts and Lamps.

XXIII. The Local Authority may provide and keep in repair their own public Lamp Posts and Lamps, and Apparatus connected therewith, and in case of their electing to burn by Meter, light and extinguish the Lamps, and defray the Expenses thereof.

Service Pipes to be fully charged with Gas.

XXIV. Every Gas Company shall, unless prevented by necessary Repairs or unavoidable Accident, at all Times keep all their Branch or Service Pipes fully charged with Gas, and the Stopcocks so turned as not to prevent the Branch or Service Pipes from being at all Times filled with Gas.

Illuminating Power and Purity of Gas.

XXV. The Quality of the Common Gas supplied by any Gas Company shall be, with respect to its illuminating Power at a Distance as near as may be of One thousand Yards from the Works, such as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, consuming Five Cubic Feet of Gas an Hour, a Light equal in Intensity to the Light produced by not less than Twelve Sperm Candles of Six to the Pound each burning One hundred and twenty Grains an Hour, and the Quality of Cannel Gas supplied by any Gas Company shall with respect to its illuminating Power at the Distance aforesaid be such as to produce from a Batswing or Fishtail Burner consuming Five Feet of Gas *per* Hour a Light equal in Intensity to Twenty such Sperm Candles, and each such Gas shall with respect to its Purity be so far free from Ammonia and Sulphuretted Hydrogen that it shall not discolour either Turmeric Paper or Paper imbued with Acetate or Carbonate of Lead, when those Tests are exposed to a Current of Gas issuing for One Minute under a Pressure of Five Tenths of an Inch of Water, and shall not contain more than Twenty Grains of Sulphur in any Form in One hundred Cubic Feet of Gas: Provided that any Gas Company, and the Local Authorities of the District supplied by such Company, shall be at liberty to agree upon any other or different Test by which to ascertain the Purity of the Gas, or to vary the Amounts of Ammonia or Sulphur in any Form hereinbefore allowed, and thereupon the Company shall be thenceforth liable to have the Purity of their Gas tested in the Manner so prescribed.

XXVI. If

XXVI. If the Gas supplied by the Gas Company be at any Time of less illuminating Power or of less Purity than according to this Act it ought to be, the Gas Company shall for every such Offence, on a summary Conviction before a Police Magistrate, forfeit a Sum not exceeding Fifty Pounds, and also, in addition to that Penalty, and whether that Penalty be recovered or not, a further Sum of Ten Pounds for every Day after Notice in Writing from the Local Authority during which the Offence continues: Provided that such Police Magistrate shall not convict under this Section, if it shall be proved to his Satisfaction that such Defect of Gas was occasioned by any unavoidable Cause or Accident. Penalty for deficient illuminating Power or Impurity.

XXVII. Every Local Authority taking any Supply of Gas according to this Act shall provide all proper and sufficient Apparatus, Machinery, and Instruments for testing the illuminating Power and Purity of the Gas, and from Time to Time shall appoint, and out of any Funds applicable by them for their Local Purposes, may pay, a Chemical Examiner or Gas Engineer, or other competent Person, to be an Examiner for the Purposes of this Act; and every Gas Company shall, within Six Months after the passing of this Act, cause to be erected in some convenient Place, as near as may be to One thousand Yards from their Works (such Place, in case of Dispute between the Company and the Local Authority, to be fixed by a Police Magistrate upon the Application of either Party, after hearing the Parties thereon), an Experimental Meter, furnished with a suitable Burner, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas. Appointment by Local Authority of Examiner of Gas.

XXVIII. The Examiner shall, on giving Three Hours Notice to the Secretary or Engineer of the Company, have Access at all Times to such Experimental Meter, and when and so often as is necessary or as he is so directed by the Local Authority appointing him shall examine the illuminating Power, and the Purity of the Gas supplied, and shall present to the Local Authority, so often as they require, a Report stating the Number of Examinations on which the Report is founded, and the maximum, minimum, and average illuminating Power and Purity, or the illuminating Power and Purity from Day to Day or at longer Intervals of the Gas supplied during the whole Period to which the Report relates, with such other Information and Remarks thereon as may be deemed necessary. Examination of Gas, and Report thereon.

XXIX. Provided, That Two or more Local Authorities, if they think fit, may join in providing the Apparatus, Machinery, and Instruments, and in appointing and paying the Examiner, and he shall make his Reports to every Local Authority so joining in appointing and paying him. Two or more Local Authorities may join in the Appointment.

XXX. The Examiner, on Payment to him of a Fee of Ten Shillings and Sixpence by any Consumer, shall, at his Request, examine and report to him on the illuminating Power and the Purity of the Gas supplied as herein-before mentioned; and any Consumer may make Complaint to any Magistrate with respect to the illuminating Power or Purity of the Gas supplied to the Complainant, and the Magistrate may entertain and hear the Complaint, and proceed thereon according to the Provisions of this Act. Complaint to a Magistrate as to Supply of Gas.

XXXI. Any Magistrate may direct that Notice be given to the Complainant and the Gas Company to appear and be heard on the Complaint, at such Time as he appoints, and each Party shall thereupon appear and may be heard before a Magistrate, by themselves, their Counsel, Attorneys, or Agents. Hearing on Report.

XXXII. Where on the Hearing, and whether or not the Gas Company have appeared, it appears to the Magistrate that the Complaint or any Part thereof is well founded, he shall make an Order declaring that the same is well founded, and ordering the Gas Company to pay any Penalty or Penalties thereby incurred, and to remove within a reasonable Time the Grounds of Complaint, and he may by the Order direct that any specific Acts shall be done by the Gas Company for removing the Grounds of Complaint, and may make any Order as to Costs; and all Orders so made shall be final and binding on all Parties. Order on Hearing.

XXXIII. Where the Gas Company are served with any Order so made they shall, within the Time limited by the Order, remove the Grounds of Complaint thereby declared Gas Company to obey Order.

to be well founded, and pay the Penalty or Penalties, and the Damages (if any) and Costs (if any) thereby ordered to be paid by them.

Gas Companies to afford Facilities for Examination under this Act.

XXXIV. The Gas Company, and their Officers, Agents, and Servants, and where there is any Complaint made, the Complainant, shall afford to the Examiner appointed by the Local Authority all reasonable Facilities for the respective Inspection, Examination, and Inquiry; and every Person obstructing any such Examiner so appointed in the Exercise of his Duties under this Act shall for every such Offence forfeit not exceeding Ten Pounds.

Limit of Charge for Gas and Meters.

XXXV. After the Thirty-first Day of *December* One thousand eight hundred and sixty, no Gas Company shall, except under existing Contracts, demand or take for any Gas or Five-Light Meter supplied by them any Sum of Money exceeding the Rate or Meter Rent by this Act authorized.

Determination of existing Contracts.

XXXVI. All Contracts made or existing before the First of *January* One thousand eight hundred and sixty, between any of the Gas Companies included in this Act and any Local Authority, for or relating to the Supply of Gas, shall terminate on the First Day of *February* One thousand eight hundred and sixty-two, and thereafter the Provisions of this Act in all Particulars shall apply to such Company; provided that from the Time of the passing of this Act until the said First Day of *February* One thousand eight hundred and sixty-two the Provisions of this Act relating to Price, Purity, and illuminating Power of Gas, shall not apply to any such Company, unless such Company shall elect to adopt them.

Limit of Charge for Gas supplied to public Lamps.

XXXVII. The Gas Company shall not charge a higher Price by the One thousand Cubic Feet for Gas supplied to any Local Authority than the lowest Rate by the One thousand Cubic Feet from Time to Time charged by them to any private Consumers, otherwise than by special Contract in Writing, in the District supplied by the Gas Company.

Difference to be settled by Arbitration.

XXXVIII. If any Difference arise between the Local Authority and the Gas Company with respect to any Alteration in the Test, or to the Rate to be charged for Gas supplied or for lighting any public Lamp, the Difference shall be referred to and be determined by Arbitration in the Manner prescribed by the "Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Incoming Tenant not to pay Arrears of outgoing Tenant unless by express Agreeme nt.

XXXIX. In case any Consumer leave the Premises where Gas was supplied to him without paying to the Gas Company the Rate or Meter Rent due from him, the Gas Company shall not require from the next Tenant of the Premises Payment of the Arrears so left unpaid, unless the incoming Tenant agreed with the defaulting Consumer to pay the Arrears; but the Gas Company shall, notwithstanding any such Arrears, in the Absence of Collusion between the outgoing and incoming Tenant, supply Gas to the incoming Tenant, as required by this Act, on being required by him so to do.

Appeal by Consumers to Home Secretary on Rise of Price of Gas.

XL. No Company shall advance the Price of Gas above the Rate taken by such Company on the First Day of *January* One thousand eight hundred and sixty, whenever such Rate is at or above Four Shillings and Sixpence *per* One thousand Cubic Feet, unless there has been such Increase in the Cost of Gas, or any other Circumstances affecting the Company, as will warrant such Advance: Provided always, that before raising the Gas Rate in any District the Gas Company supplying such District shall give Notice of their Intention to the Local Authorities of the District and in some Newspaper circulating within the District for Two consecutive Weeks at least One Month before such Alteration in the Gas Rate shall be made; and in case any Local Authority shall, within such Month, dissent from such Alteration, it shall be determined by Arbitration in the Manner herein-before mentioned whether such Alteration shall be allowed: Provided always, that no Gas Company shall charge for Common Gas supplied by them any Sum exceeding Five Shillings and Sixpence for every One thousand Cubic Feet, or for Cannel Gas any Sum exceeding Seven Shillings and Sixpence for every One thousand Cubic Feet; provided also, that any Company shall be at liberty to change the Kind of Gas from Time to Time supplied

supplied by such Company, whether Common or Cannel Gas, on giving Three Months Notice of their Intention so to do; and upon the Expiration of such Notice the Company shall thenceforth supply Gas pursuant thereto under the Provisions of this Act until any like Notice shall be given for a further Change; and when the Company shall change the Supply from Cannel Gas to Common Gas, the Rate shall be reduced so as not to exceed Four Shillings and Sixpence *per* Thousand Cubic Feet, except under the Circumstances and in the Manner herein-before set forth.

Home Secretary may issue Form of Accounts to be filled up by Gas Companies.

XLI. The said Secretary of State may at any Time issue a Form of Accounts to be filled up by each of the said Gas Companies, and such Accounts shall state precisely the Amounts of the Capital of each Company, and the Acts of Parliament or other Authority under which the same is raised, and such other Information as the said Secretary may require, in order to enable him to ascertain the actual State and Condition of the Concerns of such Company; and every Gas Company shall, after receiving Notice in Writing signed by the said Secretary of the Form so required by him to be filled up, within Two Months after the General Meeting of the Company fill up and forward to the said Secretary an annual Statement of Accounts in the Form so prescribed, and any Company which shall fail to furnish such Account shall be liable on Conviction before a Magistrate to forfeit any Sum not exceeding Fifty Pounds; and such Statement shall be laid by the Secretary of State before both Houses of Parliament every Year.

Gas Companies to cause Maps of their Districts to be made.

XLII. Every Gas Company shall within One Year after the passing of this Act cause a Map to be made of the District within which their Mains or District Mains then lie, on a Scale not less than Six Inches to a Mile, and shall cause to be marked thereon the Line of all their then existing Mains and District Mains, and shall once in every Year correct such Map and make such Additions thereto as will show the Line of all their then Mains and District Mains as aforesaid.

As to Deposit and Inspection of the Maps;

XLIII. Every Map, or a Copy thereof, so made by or for each Company, with the Date expressed thereon of the last Time when it was so corrected, shall be deposited, certified by their Secretary or Clerk by Writing under his Hand to be a true Copy thereof, with the respective Clerks of the Peace for the Counties in which such Mains lie, and who are hereby required to receive and keep in safe Custody the same; and such Maps so deposited shall at all reasonable Times be open to the Inspection of all Local Authorities and Consumers, and their respective Agents, and they respectively may take Copies of or Extracts from the same; and every Gas Company wilfully failing to comply with any of the Requirements of this Act with respect to Maps, and every Person having charge of such Maps who shall refuse to allow any Person to inspect and take Copies of or Extracts from such Maps, shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Charge for Inspection of Map.

XLIV. Every Clerk of the Peace with whom any Map shall be deposited under the Provisions of this Act may charge and take the Sum of One Shilling for every Inspection of such Map, and the further Sum of Two Shillings and Sixpence for every Extract from or Copy taken of such Map.

Secretary of State may direct Proceedings by the Attorney General against Gas Companies.

XLV. If and whenever it appears to the Secretary of State that any of the Provisions of this Act have been violated or not complied with on the Part of any Gas Company, or that the Gas Company are acting in a Manner unauthorized by Law, and if it appear to him that it would be for the Public Advantage that the Gas Company should be restrained from so acting, or compelled to do any Act for remedying the wrongful Act done by them, the Secretary of State may certify the same in Writing to Her Majesty's Attorney General, and thereupon he, if he be so advised, shall proceed by Information, Bill, or Action, or other such Proceeding at Law or in Equity, as the Case requires, to restrain the wrongful acting or to compel the doing of the Acts for remedying the wrongful Acts; provided always, that the Secretary of State shall not give the Certificate at a Period exceeding One Year after the committing of the Offence specified in the Certificate.

Recovery and Application of Penalties.

XLVI. Every Penalty imposed by this Act, the Recovery and Application of which is not otherwise specially provided for by this Act, shall be recovered on summary Conviction before

before a Magistrate, and be enforced, accounted for, and paid to the Receiver of the Metropolitan Police District, and shall be apportioned in the same Manner as Penalties or Fines, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are by the Act of the Third Year of Her present Majesty, for regulating Police Courts in the Metropolis, directed to be recovered, enforced, accounted for, paid, and applied; and every Order or Conviction of any Magistrate in respect of any such Penalty shall be subject to the like Appeal, and upon the same Terms, as is by that Act provided in respect of any Order or Conviction of any Magistrate; and every Magistrate by whom any Order of Conviction is made under this Act shall have the same Power of binding over the Witnesses examined, and the Witnesses shall be entitled to the same Allowance of Expenses, as they would be entitled to in case the Order, Conviction, and Appeal were made under that Act.

Jurisdiction of Magistrates for Purposes of Act.

XLVII. Every Magistrate shall, for the Purposes of this Act, have full Jurisdiction and full Powers and Authorities over the Parties respectively, and with respect to making Orders on the Parties respectively, and otherwise, and as to Costs, and may issue every such Summons, Warrant, and other Process, and may take such other Proceedings as he thinks requisite; and the Service of any Summons, Notice, Order, or other Process in the Matter on such Person, or in such Manner as a Magistrate directs, shall be good Service thereof; and every Magistrate may proceed singly in the Execution of this Act in such Manner as he thinks proper.

For the Protection of Water Companies.

XLVIII. Nothing in this Act contained shall extend or be construed to extend to authorize or empower any Gas Company to interfere with or abridge any of the Rights or Privileges of any Company established for the Supply of Water to the Inhabitants of any Parish or Place within the Metropolis; and every Gas Company shall be answerable for any Damage, Spoil, Injury, or Mischief which shall be done to any of the Pipes, Works, or Property of any such Water Company, or which shall or may be sustained by such Water Company by reason or in consequence of any Act, Matter, or Thing to be done or executed by such Gas Company, or any of their Servants, Agents, or Workmen.

For laying Pipes to convey Gas.

XLIX. Whenever any Gas Company, or their Servants, Agents, or Workmen, shall dig or sink any Trench for laying any new Mains or Pipes, other than Service Pipes, for the Conveyance of Gas, or other Apparatus near to which any Pipe belonging to any Water Company for conveying Water, or any Branch or Service Pipe for the Supply of Water to any Dwelling House or Buildings, shall be laid, such Gas Company, their Servants, Agents, or Workmen, shall give Four Hours previous Notice thereof in Writing to the Manager or Chief Clerk, or Secretary or Engineer, of such Water Company, such Notice to be delivered at the principal Office of the Company between the Hours of Ten in the Morning and Four in the Afternoon, and shall, under the Inspection of the Manager or Chief Clerk, Secretary or Engineer for the Time being of such Water Company, protect and secure every such Water Pipe from any Injury, and shall also repair any Damage that shall be done to such Pipe, and in default of repairing such Damage the Gas Company shall for each such Default forfeit and pay to the Secretary for the Time being of such Water Company, for the Use of the said Water Company, any Sum not exceeding Five Pounds, and also the Costs and Expenses which shall have been incurred by the said Water Company in protecting and securing any such Water Pipe, or in repairing or making good any Injury that may have been done thereto by the Means aforesaid, such Costs and Expenses to be ascertained by any Justice, and to be recovered in the same Manner as any Expenses or Penalty under this Act may be recovered.

Mode of laying Pipes.

L. All Pipes hereafter to be laid by any Gas Company for the Conveyance of Gas shall be laid at the greatest practicable Distance from the nearest Part of any Pipe then laid down by or by Order of any Water Company for the Conveyance of Water, and wherever the Width of the Carriageway or Footpath will allow thereof shall be laid at the Distance of Four Feet at least from the nearest Part of any such Water Pipe, unless in Cases where it shall be unavoidably necessary to lay the Gas Pipe across or nearer to any Water Pipe, in which Case the said Gas Pipe shall, wherever practicable, be laid over and above the said Water

Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, or as near thereto as the Situation will admit; and in every such Case the said Gas Pipe so crossing the said Water Pipe shall be at least Nine Feet in Length, so that no Joint of any Gas Pipe shall be nearer to any Water Pipe than Four Feet at the least, where the Width of the Road, Street, Square, Market Place, Lane, Alley, Passage, Court, or other Place will admit; and every such Gas Pipe so crossing the Water Pipe shall for the whole Length thereof be sufficiently bedded in with good sound Clay or other fit Materials of a proper Consistence, and well worked and rammed into the Trench all round the said Gas Pipe, and in laying down any such Gas Pipe the Gas Company shall use such Joints as are for the Time being of the most improved Description for preventing the Leakage of Gas, and shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also, wherever practicable, lay and well and sufficiently bed each Joint of the Main Gas Pipes and also the Joints or Screws of the Branch or Service Gas Pipes connecting with the Main Gas Pipes, and also the Joints of the Service or Branch Pipes for conveying the Gas from the Main Gas Pipes to the Houses and other Buildings, and all other Joints, Inlets, Apertures, or Openings which are or shall or may be made in any of the Main Gas Pipes belonging to the Gas Company, in such Manner and of such Material as shall, as far as reasonably practicable, prevent Leakage.

To prevent further Contamination of Water by Gas.

LI. Whenever the Water which shall be supplied by any Water Company shall be contaminated or affected in any way whatsoever by the Gas of any Gas Company, such Gas Company shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any One of the Directors, or by the Secretary for the Time being of such Water Company, or by any Person using the Water of such Water Company, and left at the Office of such Gas Company, cause Measures to be taken effectually to prevent such Gas from contaminating or affecting the Water of such Water Company; and in case such Gas Company shall not within Forty-eight Hours next after any such Notice so left as aforesaid use all reasonable Means to effectually remove the Cause of such Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, then and in every such Case such Gas Company shall on each Complaint whereof Notice shall be given as aforesaid forfeit and pay to the Secretary of such Water Company, for the Use of such Water Company, the Sum not exceeding Ten Pounds for each Day during which the Water supplied by such Water Company shall remain contaminated or affected by the Gas of such Gas Company; and every such Penalty or Forfeiture may be recovered for the Use of such Water Company in the same Manner as any other Penalty or Forfeiture imposed by this Act may be levied and recovered.

For ascertaining if the Water is contaminated.

LII. 'And whereas it may become a Question upon such Complaint as aforesaid whether 'or not the Water supplied by any Water Company within the Metropolis be contaminated 'or affected by the Gas of the Gas Company:' Be it enacted, That in every such Case it shall be lawful for any such Water Company to dig to and about and to search and examine the Mains, Pipes, Conduits, and Apparatus of the Gas Company adjacent to the Pipes of such Water Company for the Purpose of ascertaining whether or not such Contamination proceed or be occasioned by the Gas of such Gas Company, giving Twenty-four Hours previous Notice in Writing, signed by One of the Directors or by the Secretary for the Time being of such Water Company, and left at the Head Office of such Gas Company, of the Intention of such Water Company so to dig, search, and examine as aforesaid, and of the Time and Place or Places when and where such Digging, Search, and Examination is intended to be made; and if it shall appear that the said Water has been contaminated, and that there has been any Escape of Gas whereby such Contamination has been produced, then and in every such Case the Costs and Expenses of the said Digging, Search, and Examination, and of the Repair of the Street, Road, or Place which shall be taken up or disturbed, shall be borne and paid by such Gas Company, which Costs and Expenses shall be ascertained and determined if necessary by any Justice, and may be levied and recovered in the same Manner

Manner as any Penalty or Forfeiture imposed by this Act may be levied and recovered: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the Gas Company to which such Notice shall have been given, then and in every such Case the Water Company by whom or on whose Behalf such Examination and Search shall have been made shall bear and pay all the Costs, Charges, and Expenses of and incident to such Examination and Search, and shall also make good to such Gas Company any Damage which may be occasioned to their Mains, Pipes, Conduits, or Apparatus by such Search, and also any Injury or Damage which may be done in or about any of the Streets, Roads, or Places which shall be broken up or disturbed in such Search, the Amount of such Damage to be ascertained and determined if necessary by any Justice, and to be levied and recovered in the same Manner as any Penalty or Forfeiture under this Act may be levied and recovered.

Appropriation of Penalties in the City of London.

LIII. All Penalties or Sums of Money ordered and adjudged within the City of *London* and the Liberties thereof to be paid under this Act, and not otherwise appropriated, shall be payable to the Chamberlain of the City of *London*, in aid of the Expenses of the Police of the said City.

Saving Rights of Metropolitan Board of Works, Vestries, and others.

LIV. Nothing in this Act contained shall avoid, prejudice, or impair any of the Powers now exercised by or vested in the Metropolitan Board of Works, or in the Commissioners of Sewers of the City of *London* and the Liberties thereof, or any Powers now vested in any Local Authority within the Metropolis, or any Powers now exercised or possessed in respect of the Manufacture or Supply of Gas within the Metropolis by any Railway Company, or by any other Person or Persons making or supplying Gas for his or their own Use, and not making or supplying Gas to the Public as a Trade or Business: Provided that if the said Local Authority shall refuse or delay their Consent to any Company to lay down Mains or Pipes in accordance with the Provisions of this Act, it shall be lawful for the said Secretary of State under his Hand to authorize the same to be laid down without such Consent; and after the Date of the Application by such Company to the said Secretary of State for such Consent no Penalty shall be incurred by any Default of such Company, so far as it is occasioned by such Refusal only.

Saving general Jurisdiction of Courts of Law and Equity.

LV. Provided, That no special Remedy or Provision for giving Relief to any Person given by this Act shall prejudice or diminish the general Jurisdiction of any of Her Majesty's Superior Courts of Law or Equity over or with respect to the Acts or Defaults in respect of which the special Remedies or Provisions are so given.

Expenses of Act.

LVI. The Costs, Charges, and Expenses of and incident to the passing of this Act, and preliminary thereto, shall be paid by the Metropolitan Board of Works, out of such Funds as may be and shall be levied by their Authority from the several Vestries and District Boards, in proportion to their annual rateable Value, and such Amount shall be included in the Precept of the Metropolitan Board under the Authority of the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty, for the Local Management of the Metropolis.

Expenditure of Local Authorities under this Act.

LVII. All the Expenditure from Time to Time made or incurred by any Local Authority under the Authority of this Act may and shall be defrayed by the Local Authority out of any Rate raised under the Provisions of the Act of the Session of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty, for the Local Management of the Metropolis.

SCHE-

SCHEDULE to which Fifth Section of the foregoing Act refers.

Name of Gas Company.	Special Act or Instrument of Incorporation.	District.
The Crystal Palace District Gas Company.	The Crystal Palace District Gas Company's Act, 1858.	The District defined by their said Special Act.
The Woolwich, Plumstead, and Charlton Consumers Gas Company.	The Woolwich, Plumstead, and Charlton Consumers Gas Act, 1855.	The District defined by their said Special Act.
The Woolwich Equitable Gaslight and Coke Company.	The Woolwich Equitable Gas Company's Act, 1855.	The District defined by their said Special Act.
The Wandsworth and Putney Gaslight and Coke Company.	The Wandsworth and Putney Gas Act, 1856.	The District defined by their said Special Act.
The Brentford Gas Company.	The Brentford Gas Act, 1858.	The District now actually supplied by the Company.
The Victoria Docks Gas Company.	The Victoria Docks Gas Act, 1857.	The District defined by their said Special Act.
The Eltham Gaslight and Coke Company, Limited.	Articles of Association under the Joint Stock Company's Act, 1856.	The Parish of Eltham.
The West Ham Gas Company.	The West Ham Gas Company's Act, 1856.	The District defined by their said Special Act.
Mitcham, Merton, and Tooting Gas Company.	Articles of Association under 7 & 8 Victoria, Cap. 110.	The Parishes and Villages of and adjacent to Mitcham, Merton, and Tooting.

CAP. CXXVI.

An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at *Westminster*. [28th *August* 1860.]

'WHEREAS it is desirable further to improve the Process, Practice, and Mode of Pleading in, and, in some respects, to enlarge the Jurisdiction of the Superior Courts of Common Law:' 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:

Relief against Forfeiture.

Relief against Forfeiture for Nonpayment of Rent.

I. In the Case of any Ejectment for a Forfeiture brought for Nonpayment of Rent, the Court or a Judge shall have Power, upon Rule or Summons, to give Relief in a summary Manner, but subject to Appeal as herein-after mentioned, up to and within the like Time after Execution executed, and subject to the same Terms and Conditions in all respects, as to Payment of Rent, Costs, and otherwise, as in the Court of Chancery; and if the Lessee, his Executors, Administrators, or Assigns, shall upon such Proceeding be relieved, he and they shall hold the demised Lands according to the Lease thereof made, without any new Lease.

Relief against Forfeiture for non-insuring.

II. In the Case of any Ejectment for a Forfeiture for Breach of a Covenant or Condition to insure against Loss or Damage by Fire, the Court or a Judge shall have Power, upon Rule or Summons, to give Relief in a summary Manner, but subject to Appeal as herein-after mentioned, in all Cases in which such Relief may now be obtained in the Court of Chancery under the Provisions of an Act passed in the Session of Parliament held in the Twenty-second and Twenty-third Years of the present Reign, intituled *An Act to further amend* 22 & 23 Vict. c. 35.