CHAP. cvi.

An Act to incorporate a Company for better supplying Milnrow in the parish of Rochdale in the county of Lancaster, and the neighbourhood thereof, with Gas; and for other purposes. [12th July 1869.] A.D. 1869.

WHEREAS Milnrow in the parish of Rochdale in the county of Lancaster, and the neighbourhood thereof, are partially supplied with gas from works established without the authority of Parliament, but the demand for gas there is increasing, and it would be of public advantage that more permanent and adequate provision should be made for its supply:

And whereas the Milnrow Gas Company (Limited) was incorporated on the twenty-third day of October one thousand eight hundred and sixty-eight under the Companies Act, 1862, with a share capital of twenty thousand pounds, consisting of four thousand shares of five pounds each; and, under the powers of the memorandum of association of that Company, bearing date the fifteenth day of October one thousand eight hundred and sixty-eight, that Company have purchased certain existing gasworks at Milnrow aforesaid, at a price to be settled by valuation, and on the terms that possession thereof should be given to that Company on the first day of January one thousand eight hundred and sixty-nine:

And whereas it is expedient and would be of public advantage that the members of the said Company, together with the persons herein-after mentioned, should be incorporated with powers for the purchase and maintenance of existing and the construction of additional gasworks, and for more effectually supplying gas within the limits of this Act; but the same 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

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of the Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title of Act.

1. This Act may for any purpose be cited as the "Milnrow Gas Act, 1869."

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

2. "The Companies Clauses Consolidation Act, 1845," Parts I. and II. of "The Companies Clauses Act, 1863," relating to cancellation and surrender of shares and to additional capital, "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are incorporated with this Act, except so far as the same respectively are varied or altered by this Act: Provided always, that nothing in this Act contained shall authorize the Company to purchase, take, or use any lands except by agreement: Provided also, that "The Gasworks Clauses Act, 1847," shall be held applicable as well to the mains, pipes, and works already laid down and to be purchased or acquired by the Company as to the mains, pipes, and works hereafter to be laid down and erected by the Company.

Interpretation of expressions in this Act and in incorporated Acts.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act and the Acts incorporated herewith the expression "superior courts" or "court of competent jurisdiction," or any 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; the expressions "the gasworks" and "the undertaking" shall include the gasworks, and works connected therewith, which the Company are by this Act authorized to purchase or to construct; the expressions "the undertakers" and "the Company" shall mean the Company by this Act incorporated; and the expression "the dissolved Company" shall mean the Milnrow Gas Company (Limited) dissolved by this Act.

Dissolution of Limited Company and incorporation of Company.

4. The Milnrow Gas Company (Limited) is hereby dissolved; and the several persons and corporations who immediately before the passing of this Act were proprietors of shares in the dissolved Company, and all other persons and corporations who shall hereafter subscribe to the undertaking by this Act authorized, and their executors, administrators, successors, and assigns respectively, are by this Act united into a company by the name of "The Milnrow Gas Company," for the purpose of purchasing, erecting, maintaining, and extending gasworks, and making and supplying gas within the

limits of this Act, and carrying on the general business of a gaslight and coke company, and doing all necessary and incidental acts, and for other the purposes of this Act, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, hold, and dispose of lands and other property for the several purposes but subject to the restrictions of this Act.

Present property vested in Company incorporated by this Act.

5. Subject to the provisions of this Act, all lands, works, retorts, gasholders, erections, buildings, rights and easements, which immediately before the passing of this Act were vested in the dissolved Company, or in any person on their behalf, or to which the dissolved Company were entitled either at law or in equity, and all mains, and pipes, plant, apparatus, stock, effects, matters, and things which have been by them purchased or provided, laid down, erected, or placed in any place or house within the limits of this Act, and which immediately before the passing of this Act were the property of or belonged to the dissolved Company, or to which they were in any way entitled, and all monies, securities, credits, effects, and other property whatsoever belonging to the dissolved Company, or vested in any trustees on their behalf for the purposes of the dissolved Company, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the dissolved Company or in any trustees on their behalf, and may, according to the provisions of this Act, be held and enjoyed, sued for and recovered, maintained, altered, discontinued, or removed, by the Company as they think fit.

Memorandum of association made void, but without prejudice to remedies for antecedent breaches thereof.

6. Subject to the provisions of this Act, the said memorandum of association shall, as to any future or prospective operation thereof, from and after the passing of this Act be wholly void and of none effect; and the several persons who are liable to the provisions of the said memorandum of association, and their heirs, executors, and administrators, shall immediately, from and after the passing of this Act, stand and be, by virtue of this Act, released and discharged from any future obligation to observe, perform, abide by, fulfil, or conform to the said memorandum of association, or the provisions or the agreements therein contained: Provided always, that nothing herein contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of such memorandum of association which may have been incurred prior to the passing of this Act.

Saving previous right and liabilities.

7. Notwithstanding the incorporation of the Company, and the avoidance of the said memorandum of association by this Act, and except as is by this Act otherwise expressly provided, everything

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before the passing of this Act done or suffered by or with reference to the dissolved Company or the shareholders therein in that capacity, shall be as valid as if the Company had not been incorporated and the said memorandum of association had not been avoided by this Act; and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the Company were not incorporated and the said memorandum of association were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and everything 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 the provisions contained in this enactment shall not be confined or restricted by any provisions of this Act.

Contracts prior to this Act to be binding.

8. Except as by this Act otherwise specially provided, all deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the dissolved Company, or any directors, trustees, or persons acting on behalf of the dissolved Company, or by, to, or with any other person to whose rights and liabilities they have succeeded as assigns, and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually as if, instead of the dissolved Company, or the directors, trustees, or persons acting on behalf of the dissolved Company, the Company had been a party thereto.

Actions, &c. not to abate.

9. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the dissolved Company, or any member or shareholder thereof in relation to the affairs of the dissolved Company, or to which the dissolved Company or any member or shareholder thereof in relation to such affairs were parties immediately before the passing of this Act; but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the dissolved Company, or such member or shareholder thereof, if this Act had not been passed, the Company being, in reference to the matters aforesaid, in all respects substituted for the dissolved Company.

Company to satisfy liabilities of dissolved Company.

10. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall satisfy or discharge all obligations and liabilities to which the dissolved Company immediately before the passing of this Act were or but for this Act would become subject, and shall bear and pay all the expenses of and incident to the winding up of the affairs of the dissolved Company, and shall indemnify the shareholders, directors, officers, and servants of the dissolved Company, and their respective representatives, from all such obligations, liabilities, and expenses, and all costs in that behalf.

Gas rents, &c. to be recovered.

11. All gas rents and sums of money which immediately before the passing of this Act were due and payable or accruing to the dissolved Company shall be payable to and may be collected and recovered by the Company in like manner as the gas rents under this Act.

As to payment of debts owing before the passing of this Act.

12. All persons who immediately before the passing of this Act owed any money to the dissolved Company, or to any person on their behalf, shall pay the same, with all interest (if any) due and payable or accruing upon the same, to the Company; and all debts and monies which immediately before the passing of this Act were due or owing by or recoverable from the dissolved Company, or for the payment of which the dissolved Company were or but for this Act would be liable, shall be paid, with all interest (if any) due or payable or accruing upon the same, by or be recoverable from the Company.

Meeting of Company.

13. The first ordinary meeting of the shareholders of the Company shall be held in the month of February next after the passing of this Act.

Quorum of general meetings.

14. The quorum for a general meeting shall be ten shareholders, holding shares to the aggregate nominal amount of at least one thousand pounds in the capital of the Company.

Number of shareholders who may convene a meeting.

15. The number of shareholders who may convene extraordinary meetings of the Company shall be ten, holding shares to the aggregate nominal amount of at least one thousand pounds in the capital of the Company.

Number and qualification of directors.

16. Subject to the provision herein-after contained for reducing the number of directors, the number of directors shall be five, and the qualification of a director shall be the possession in his own right of shares in the capital of the Company to the nominal amount of one hundred pounds.

Power to reduce the number of directors.

17. The Company may from time to time reduce the number of directors, so as the number be not less than three.

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Quorum of directors.

18. The quorum of a meeting of directors shall be three, unless the number of directors be reduced to three, and then the quorum shall be two.

First directors.

19. James Schofield, James Heap, Emanuel Clegg, James Kay, and Richard Butterworth shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act, and at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed, nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the said Act.

Capital.

20. The capital of the Company shall be twenty thousand pounds (subject to augmentation as herein-after mentioned), and shall be divided into two thousand shares of ten pounds each.

Appropriation of shares.

21. Every person and corporation who immediately before the passing of this Act was entitled to shares in the capital of the dissolved Company shall, in substitution for each two such shares, be entitled to one share in the capital of the Company; and the shares to which such persons and corporations shall be so entitled in the Company shall vest in them accordingly, subject to all calls to which such shares are now liable; and every share so vested shall be subject to the same trusts, powers, provisions, declarations, agreements, charges, and incumbrances as immediately before the passing of this Act affected the then existing shares in the capital of the dissolved Company for which it is substituted, and so as to give effect to and not revoke any will or testamentary instrument of or affecting such then existing shares; and every call which shall have been paid by any shareholder of the dissolved Company, and all monies paid by any such shareholder in anticipation of calls in respect of any shares in the dissolved Company, shall be held to have been paid by him as a call, or in anticipation of calls (as the case may be) of the Company, in respect of the share substituted for such shares in the dissolved Company.

Company may cancel existing share certificates, and issue new ones.

22. The Company may call in and cancel the existing certificates of shares in the dissolved Company, and issue in lieu thereof certificates of the substituted shares in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845;" and until such existing certificates shall have been called in and cancelled, and certificates of shares in the Company issued in lieu thereof, such certificates of shares in the dissolved Company shall be held to be certificates of shares in the Company.

Power to raise additional capital.

23. In addition to the said capital of twenty thousand pounds, the Company may from time to time raise, by the creation and issue of new ordinary shares, such further sum or sums not exceeding in the whole ten thousand pounds as they may think proper; but the Company shall not, in any year ending on the day on which the Company's books are balanced for that year, make out of their profits any larger dividend than seven pounds in respect of every hundred pounds actually paid of such additional capital, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate of seven pounds.

Calls.

24. Four pounds per share shall be the greatest amount of any one call which the Company may make upon the shareholders, and three months at the least shall intervene between the making of any two successive calls, and the aggregate amount of calls to be made in any one year shall not exceed six pounds per share.

Shares not to issue until one fifth paid up.

25. It shall not be lawful for the Company to issue under this Act any share, nor shall any share vest in the person accepting the same, unless and until a sum, not being less than one fifth part of the nominal amount of such share, shall have been paid up in respect thereof.

Receipt of guardians, &c. to be sufficient discharge.

26. If any money be payable by the Company to a shareholder being a minor, idiot, or lunatic, the receipt of his guardian or committee shall be a sufficient discharge to the Company for the same.

Power to borrow on mortgage.

27. When ten thousand pounds, part of the capital of the Company, shall have been bonâ fide issued and accepted, and one half thereof shall have been paid up, the Company may borrow on mortgage the sum of two thousand five hundred pounds; but no part of that sum shall be borrowed until the Company shall have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the said capital of ten thousand pounds has been bonâ fide issued and accepted, and that one half thereof has been

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paid up, and that not less than one fifth of the amount of each share therein was paid on or before the issue of the same, and that such shares are held by subscribers or their executors, administrators, or assigns, and for which such subscribers, or their executors, administrators, or assigns, are legally liable, of which proofs having been given the certificate of such justice under that section shall be sufficient evidence.

Further power of borrowing.

28. For and in respect of each additional amount of five thousand pounds (beyond the said amount of ten thousand pounds) of the capital of the company which shall have been bonâ fide subscribed for, issued, and accepted, and of which one half shall have been paid up, the Company may borrow on mortgage the further sum of one thousand two hundred and fifty pounds; but no part of the further sum so to be borrowed in respect of any such additional amount of five thousand pounds shall be borrowed until the Company shall have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of such additional capital of five thousand pounds in respect of which such further sum is to be borrowed has been bonâ fide subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth of the amount of each share therein was paid on or before the issue of the same, and that such shares are held by subscribers, or their executors, administrators, or assigns, and for which such subscribers, or their executors, administrators, or assigns, are legally liable, of which proofs having been given the certificate of such justice under that section shall be sufficient evidence: Provided always, that the total amount of money owing at any one time by the Company on mortgage under this Act shall not exceed seven thousand five hundred pounds.

Receiver for mortgagees.

29. The mortgagees of the Company may enforce the payment of the arrears of interest or of principal, or of 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.

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

Limits of Act.

31. The limits of this Act shall comprise and include the township of Butterworth in the parish of Rochdale and county of Lancaster, with the exception of the hamlet or division of Little Clegg, and of

so much of the said township as is now included within the parliamentary boundaries of the borough of Rochdale.

General powers of Company.

32. Subject to the provisions of this Act, the Company from time to time may manufacture and supply and sell gas within the limits of this Act, and may manufacture, sell, and dispose of coal, cannel, coke, and any other residuum and products arising, remaining, or obtained from the materials used in the manufacture of gas, and may sell or let for hire gas meters, gas pipes, apparatus, and fittings in any way connected with the supply of gas, in such manner and to such extent as the Company from time to time think proper, and may in all other respects carry on the business of a gaslight and coke company, or any of the branches thereof.

Power to purchase lands and maintain and extend gasworks.

33. The Company may, but only by agreement, purchase and may hold all or any part of the following land; viz.,

A certain piece of land situate at Meadow Head in Milnrow in the township of Butterworth in the parish of Rochdale in the county of Lancaster, now or formerly belonging or reputed to belong to and occupied by James Whitworth and Robert Whitworth, part whereof is the site of the existing gasworks, and the remainder whereof extends from the buildings and gasometers of the said gasworks south-westerly to or into the river Beal, and which piece of land is bounded on the south-western side thereof by the river Beal; on the north-western side thereof, for a distance of thirty-seven yards or thereabouts from the said river, by land belonging or reputed to belong to John Bertie Norreys Entwisle, and in the occupation of James Whatmough; on the south-eastern side thereof, for a distance of fifty-three yards or thereabouts from the said river, by the tenter ground belonging or reputed to belong to and in the occupation of the said James Whitworth and Robert Whitworth; and as respects the remaining boundary of the said piece of land, by an irregular line forming the present boundary between the said existing gasworks and the mill, reservoirs, and other lands belonging or reputed to belong to and in the occupation of the said James Whitworth and Robert Whitworth:

And may, but only by agreement, purchase and may maintain all or any of the several gasworks and gasometers situate on the lands herein-before described, and the works, mains, pipes, and other conveniences connected therewith, and may also, but only by agreement, purchase or hire, and maintain all or any other existing works, mains, pipes, and apparatus for making, storing, distributing, and supplying gas, situate within the limits of this Act; and the Company may (except as herein-after provided) from time to time

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continue, maintain, extend, improve, enlarge, renew, erect, alter, or discontinue on the lands herein-before described, or any of them, all such gasworks, buildings, gasometers, retorts, engines, machinery, apparatus, works, and conveniences, and may continue, maintain, lay down, enlarge, renew, alter, or remove all such mains, pipes, works, and apparatus, and may manufacture and store gas, and do all such other acts as they think proper and convenient for supplying gas within the limits of this Act, and for the several other purposes of this Act: Provided always, that the Company shall not erect any works for the manufacture of gas upon any lands other than the lands herein-before described; and that the Company shall not erect any works for the store of gas upon any lands other than the lands herein-before described, and another piece of land situate at Meadow Head in Milnrow aforesaid, being part of the tenter ground belonging or reputed to belong to and occupied by the said James Whitworth and Robert Whitworth, being fifty yards in breadth from north-west to south-east, and bounded on the north-west by the lands herein-before described, on the north-east by the reservoir belonging or reputed to belong to and occupied by the said James Whitworth and Robert Whitworth, on the south-east by other parts of the said tenter ground, and on the south-west by the river Beal.

Company liable for nuisance.

34. Nothing in this Act shall exonerate the Company from any indictment, action, or other proceeding for nuisance, in the event of any nuisance being caused by them.

Power to purchase additional lands.

35. The Company may, but only by agreement, purchase for any of the purposes of their undertaking (except for manufacturing or storing of gas) any quantity of land not exceeding two acres, in addition to the lands herein-before described.

Power to lay pipes against buildings.

36. The Company, with the consent of the owner or occupier of any building, may 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, or any street, road, market place, or public building or place, and may, with the like consent, provide and set up any apparatus necessary for securing to such building, street, road, market place, or public building or place, a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may, with the like consent, from time to time repair, replace, alter, or discontinue and remove any such pipe, branch, or apparatus.

Limit of price of gas.

37. The maximum price at which gas shall be supplied by the Company to all persons who consume the gas by meter shall not exceed five shillings for one thousand cubic feet.

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Compelling Company to supply consumers.

38. The Company shall, on the request of the owner or occupier of any house, shop, warehouse, or manufactory in any street within the limits of this Act, in which any main of the Company is from time to time laid within fifty yards from such house, shop, warehouse, or manufactory, furnish to such owner or occupier a supply of gas to such house, shop, warehouse, or manufactory at a rate not exceeding the rate by this Act limited: Provided always, that the Company shall not be bound to supply or to continue to supply any gas under the foregoing provision to any consumer unless reasonable security for payment for the gas to be supplied for three months be given, if required, at the cost of the person or persons requiring such supply or continuation of supply of gas; provided also, that the providing and laying all necessary service pipes, except service pipes to be laid in any street, and not exceeding in length thirty feet from the Company's mains, shall be done by the party requiring the supply.

As to lighting of public lamps.

39. The Company shall well and effectually light, at a rate to be fixed by agreement, all public lamps in all streets which they are required by the local authority to light, and which may be, at the time of such requisition being made, within seventy-five yards of any existing main of the Company, and shall, according to the terms of their contract, supply to such local authority so much gas as they require for their public lamps: Provided that the Company shall not be compelled to light any street with lamps at a greater distance from each other than seventy-five yards: Provided also, that if any dispute shall arise between the local authority and the Company as to the price to be paid by the local authority to the Company for lighting the said public lamps, or supplying gas to the local authority for their public lamps, the same shall be referred to and be settled by arbitration in the manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration, and for the purposes of such arbitration the said local authority and the Company shall be deemed to be parties in difference within the intent and meaning of that Act.

Company may require consumers to use meters.

40. Every private consumer of gas supplied by the Company shall, upon the request of the Company, consume the gas so supplied by meter to be provided by the Company at the expense of the consumer, or (at the option of the consumer) to be provided by the consumer, and to be approved by the Company before it is used or set up.

Consumer to keep his own meter in proper order.

41. 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 measured or registered, in

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proper order for correctly measuring and registering such gas, in default whereof the Company may cease to supply gas through such meter.

Register of gas meter to be primâ facie evidence.

42. The register of the meter through which gas is supplied to any consumer shall be primâ facie evidence of the quantity of gas consumed by him, and in respect of which rent may be charged and recovered by the Company.

Company to have access to and power to remove and examine meters.

43. The Company shall at all times, between the hours of nine in the morning and four in the evening, be entitled to have access to and to test and inspect all meters, whether belonging to themselves or to the consumer, in order to ascertain whether the same are in proper order for correctly measuring and registering gas, and to take off and remove such meters for that purpose; and such taking off, removal, testing, and inspecting shall be done so as to cause as little inconvenience to the consumer or interruption to his business as may be, and at the expense of the Company, unless such expense shall arise from the wilful act or neglect of the consumer, or unless the meter shall be the property of the consumer, and it shall appear on such testing and inspection that the same was not in proper order for correctly measuring or registering gas, in which cases such expense shall be borne and paid by the consumer, and the Company may recover the amount of such expense from him in the same manner as any sum due from such consumer for gas supplied to him may be recovered by them.

Penalty for injuring gas meters.

44. Every person who fraudulently alters any meter, or any part of any meter, employed for measuring or registering the supply of gas by the Company, or any pipe connected therewith, or who in any way fraudulently, wilfully, or knowingly prevents any such meter from duly measuring or registering the quantity of gas supplied, or who knowingly or wilfully destroys or effaces any stamp or mark which is now or may hereafter be used for the stamping or marking of any meter employed for measuring or registering the supply of gas by the Company, shall for every such offence forfeit to the Company a sum not exceeding forty shillings, and the Company may, in addition thereto, recover the amount of any damages by them sustained in consequence thereof; and the Company may also take off or discontinue the supply of gas to or for the use of the person so offending, notwithstanding any contract which may have been previously entered into.

Power to remove meter and fittings.

45. The Company, after twenty-four hours notice in writing, under the hand of the secretary of the Company, to the occupier, or if unoccupied, then to the owner or lessee of any land, house, or

building in which any pipes, mains, meters, or fittings belonging to the Company are laid or fixed, and through or in which the supply of gas shall from any cause be discontinued, may enter such land, house, or building between the hours of nine in the morning and four in the evening, and remove such pipes, mains, meters, or fittings, the Company repairing all damages caused by such removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode or business, or sent by post addressed to such person, or if such person or his address be not known to the Company after due inquiry, then by being affixed on some conspicuous part of such land, house, or building.

As to quality of gas.

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

Test meter to be erected.

47. The Company shall, within twelve months after the passing of this Act, cause to be erected in some convenient part of their works an experimental meter, furnished with an argand fifteen-hole burner and a seven-inch chimney, or other approved burner and chimney, capable of consuming five cubic feet of gas per hour, and so placed as to test all the gas produced or consumed by the Company, with other necessary apparatus for testing the illuminating power of the gas.

Justice, on requisition of consumers, may appoint inspector of gas.

48. Any justice not being a shareholder of the Company, on receiving a requisition signed by not less than five consumers of gas of the Company, may, by order in writing, appoint some competent person to proceed to the works of the Company for the purpose of testing the illuminating power of the gas supplied by the Company; and the person so employed, after giving six hours previous notice to the Company, may, at any reasonable hour in the daytime, on producing such order, enter on the premises of the Company, and in the presence of the superintendent or other officer of the Company make experiment of the illuminating power of the gas passing through such experimental meter as aforesaid; 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 gas supplied by the Company did not when so tested equal the illuminating power required by this Act, or that the Company or their officers hindered or prevented such experiment being made, in any such case the Company shall forfeit such sum

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not exceeding twenty pounds for each offence as the justices shall determine.

Costs of experiment.

49. The costs and expenses attending any such experiment shall be ascertained by the said justices, and shall be paid by the Company in the event of their being convicted in any such penalty as aforesaid, but otherwise shall be paid by the consumers making such requisition as aforesaid.

Recovery of gas and meter rents by distress.

50. In case any person shall neglect or refuse to pay the amount due from him to the Company in respect of gas rates or rents, or the sale or hire of gas fittings, meters, mains, pipes, or tubes, for the space of fourteen days after demand thereof by the Company, their agent or collector, it shall be lawful for any justice to issue his summons to such person requiring him to appear at a time and place named therein, and then and there to show cause why the amount so demanded should not be paid; and if, on the appearance of such person, or in default of appearance after proof of service of the summons, either personally or at the usual or last known place of abode or business of such person, no sufficient cause can be shown to the contrary, it shall be lawful for such justice to issue his warrant of distress for the seizure and sale of the goods and chattels of such person, in or towards satisfaction of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the gas, if the same shall have been cut off by the Company, as to such justice shall seem just and reasonable.

Incoming tenant not liable to pay arrears of gas rent.

51. When any consumer leaves the premises where the gas has been supplied to him without paying to the Company the gas rent 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 agreed with the former tenant to pay or exonerate him from the payment of such arrears.

Contents of summons or warrant.

52. Any summons, warrant, notice, demand, or other process 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.

Recovery of sums by action.

53. Whenever any person neglects to pay any rent, rate, or sum due to the Company, the Company may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the company under this enactment shall be in addition to their other remedies for the recovery of such rent, rate, or sum.

Penalties not cumulative.

54. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and

for this purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Liability to gas rate not to disqualify justices.

55. No judge of a county court, and no justice, except as by this Act expressly provided, shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, rate, or other charge under this Act, or of his being a shareholder of the Company.

Saving rights of Corporation of Rochdale.

56. Nothing in this Act contained shall repeal, prejudice, diminish, alter, or take away any of the rights, powers, authorities, and privileges now vested or intended to be vested in the mayor, aldermen, and burgesses of the town and borough of Rochdale, under the Rochdale Improvement Act, 1853, the letters patent or charter incorporating the said town and borough of Rochdale, the several Acts relating to municipal corporations in England and Wales, including an Act of the twentieth and twenty-first Victoria, chapter fifty, intituled "An Act to amend the Acts concerning Municipal Corporations in England," and an indenture or deed dated the thirteenth day of January one thousand eight hundred and fifty-eight, made between the Rochdale Improvement Commissioners of the one part and the said mayor, aldermen, and burgesses of the other part, some or any of them.

Expenses of Act.

57. All the costs, charges, and expenses of and incident to the obtaining and passing of this Act, and preparatory thereto, shall be paid by the Company.

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