CHAPTER cxxxviii.

An Act to enable the Mirfield Gas Company to extend their limits of supply and powers of lighting; to raise further capital; and for other purposes. [21st July 1879.] A.D. 1879.

WHEREAS by the Mirfield Gas Act, 1860, (herein-after referred to as "the Act of 1860,") the Mirfield Gaslight Company, Limited, was dissolved and the shareholders therein, with other persons, were re-incorporated, by the name of "The Mirfield "Gas Company" (herein-after called "the Company"), for the purpose of making and supplying gas within the limits of the Act of 1860, and for the other purposes in that Act mentioned: 23 & 24 Vict. c. xviii.

And whereas since the passing of the Act of 1860 the population and demand for gas within the limits of that Act and the adjacent district of Robert Town have increased and are increasing, and to provide for such increased demand it is expedient that additional powers as to works and otherwise should be conferred upon the Company, and that the limits within which their powers are to be exercised should be defined and extended:

And whereas the whole of the capital created or authorised by the Act of 1860 has been raised by the Company and expended for the purposes of their undertaking, and the Company have not borrowed on mortgage or otherwise any sum or sums of money whatever, and it is expedient that further powers as to capital should be granted to the Company:

And whereas it is expedient that the Act of 1860 should be in some respects amended, and that the further powers and conditions herein-after contained should be granted to and imposed upon the Company:

And whereas the objects of this Act 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

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with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as the Mirfield Gas Act, 1879, and the Act of 1860 and this Act may be cited together as the Mirfield Gas Company's Acts, 1860 and 1879.

This Act and 23 & 24 Vict. c. xviii. to be read together.

2. This Act and the Act of 1860 shall be read together as one Act; provided that the provisions of this Act and of the Acts wholly or partially incorporated with this Act shall, where necessary, supersede or be in substitution for the like purposes respectively contained in the Act of 1860.

Incorporation of general Acts.

3. The provisions of the following Acts and parts of Acts, so far as they are applicable for the purposes and are not expressly varied by or inconsistent with the provisions of this Act, are hereby incorporated with this Act; namely,

8 & 9 Vict. c. 16.

The clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters and things; that is to say,

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for the nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

26 & 27 Vict. c. 118.

And also Parts I., II., and III. of the Companies Clauses Act, 1863, relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock, shall extend and apply to the Company and to the additional capital which they are by this Act authorised to raise;

8 & 9 Vict. c. 18.

The Lands Clauses Consolidation Act, 1845 (except the provisions thereof with respect to the entry upon, purchase, and taking of

lands otherwise than by agreement), and the Lands Clauses Consolidation Acts, 1860 and 1869;

23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.

The Gasworks Clauses Act, 1847; and

The Gasworks Clauses Act, 1871;

and the provisions of such last-mentioned Act shall apply to the existing undertaking of the Company as if the same had been authorised by this Act.

Interpretation of terms.

4. In construing the incorporated Acts respectively in connexion with this Act and in this Act,—

The expression "the Company," "the undertakers," or any like expression, shall mean the Mirfield Gas Company:

The words "share" and "shareholder" include "stock" and "stockholder":

The expression "the works," "the gasworks," or "the undertaking" shall respectively mean and include the present gasworks and works connected therewith belonging to the Company, and any alteration or improvement thereof, and any additional or other works which they may construct under the powers of this Act, and the lands, buildings, estate, rights, title, property, privileges, effects, and undertaking of the Company, as authorised by the Act of 1860 and this Act, and every part thereof respectively:

The expression "gas" shall mean and include all kinds of gas used for illuminating or heating purposes, whether manufactured from oil, coal, resin, or other substance or substances whatever:

The expressions "superior court" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated with this Act, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt, and not a debt or demand created by statute;

and (except in this Act otherwise provided) the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings, unless there be something in the subject or context repugnant to or inconsistent with such construction.

Extending limits of supply.

5. The limits within which the Company may supply gas and otherwise exercise the powers of this Act shall extend to and include, in addition to the several townships and parishes and portions of townships within the limits of the Act of 1860, so much of the township of Liversedge, in the parish of Birstall, in the west

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riding of the county of York, as is contained or included in the ecclesiastical parish of All Saints, Robert Town, and within and throughout the limits as by this Act extended, the Act of 1860, as amended by this Act, and this Act shall henceforth be in force and have effect.

Power to raise additional capital by creation of new shares or stock.

6. The Company may from time to time raise, in addition to their existing capital, any further capital not exceeding in the whole twenty thousand pounds (herein-after referred to as "the new capital") by the creation and issue of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by one or more of these modes respectively, as the Company from time to time think fit; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any such share or stock vest in the person or corporation accepting the same, unless and until the full nominal amount of such share or stock, together with any premium obtained upon the sale thereof, shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of twenty thousand pounds: Provided also, that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid ten thousand pounds, or within any subsequent year five thousand pounds.

New shares or stock to form part of the capital of the Company.

7. The shares or stock so created in the new capital shall form part of the capital of the Company.

As to new shares.

8. The shares in the new capital, whether ordinary or preference, shall be numbered in arithmetical progression, and every share shall be distinguished by its appropriate number.

Shares not to be issued until one fifth paid.

9. The Company shall not issue any share in the new capital, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Except as otherwise provided, new shares or stock to be subject to the same incidents as other shares or stock.

10. Except as by this Act otherwise provided, the new capital created by the Company under this Act, and the shares and stock therein, and the holders thereof respectively, shall be entitled to the same powers, provisions, liabilities, rights, privileges, and incidents in all respects as if that capital were part of the existing capital of the Company at the time of the passing of this Act of the same class or description, and such shares or stock were shares or stock in the existing capital of the Company.

Dividends on new shares or stock.

11. Every person who becomes entitled to shares or stock in the new capital shall in respect of the same be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such shares in the new capital, or to the whole amount of such stock in the new capital, as the case may be.

Restriction as to votes in respect of preferential shares or stock.

12. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any shares or stock in the new capital to which a preferential dividend shall be assigned.

Receipt in case of persons not sui juris.

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

Profits of Company limited.

14. The Company shall not, except as herein-after mentioned, in any one year make out of their profits any larger dividend on the original capital existing or authorised at the passing of this Act than ten pounds, nor on the additional capital to be raised under the powers of this Act than seven pounds, in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital, which rates are in this Act respectively referred to as the standard rates of dividend.

Dividends on different classes of shares or stocks to be paid proportionately.

15. In case in any half year the profits of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum dividend on each class of ordinary stock or shares in the capital of the Company, a proportionate reduction shall be made in the dividend of each class; provided that nothing herein contained shall prejudice the right of the Company to resort to their reserve fund for contingencies to answer any deficiencies which may at any time have arisen in the dividends of the Company.

Present reserved fund to form part of reserve fund by this Act authorised.

16. The present reserved fund of the Company shall from and after the passing of this Act form part of the reserve fund authorised to be provided by this Act.

New shares or stock to be offered by auction or tender.

17. Notwithstanding anything in this Act contained, the Company shall, when any shares or stock created under the powers of this Act of the new capital are to be issued, and before offering the same to the holder of any other shares or stock in the Company, and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not, offer the same for sale by public auction

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or by tender, in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine; provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock, and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Company to the Board of Trade in a sealed letter not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holders of stock in the Company.

Purchase money of capital sold by auction to be paid within three months.

18. It shall be one of the conditions of any such sale by auction of shares or stock under this Act that the whole nominal amount thereof, together with any premiums given by any purchaser at such sale, shall be paid to the Company within three months after such sale.

Notice to be given as to sale of shares or stock.

19. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerks to the local boards of Ravensthorpe, Mirfield, and Liversedge respectively, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised once in each of two successive weeks in one or more local newspapers circulating within the districts of the said local boards.

Shares or stock not sold by auction or by tender to be offered to share or stock holders.

20. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of ordinary shares or ordinary stock of the Company, in manner provided by the Companies Clauses Act, 1863: Provided always, that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act, except that the reserved price put upon such shares and stock may, if the directors think fit, be less than the nominal amount thereof, and except also that at any such auction a bidder who holds shares or stock in the Company shall, in the event of equal biddings, be declared the purchaser

in preference to another bidder who is not a holder of shares or stock in the Company. A.D. 1879.

Application of premium arising on issue of shares.

21. Any sum of money which shall arise from the issue of any such shares by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Company, but shall be expended in extending or improving the works of the Company, or in paying off money borrowed or owing on mortgage by the Company, and shall not be considered as part of the capital of the Company entitled to dividend.

If profits exceed amount limited excess may be invested and form an insurance fund.

22. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the rates of dividend by this Act authorised, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per cent. per annum upon the paid-up capital of the Company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Company, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Company from accident, strikes, or other circumstances; and if such fund be at any time reduced, it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen: Provided that, when and so often as the said fund shall reach one-twentieth part of the paid-up capital, the interest thereon shall be carried to the credit of the fund available for dividend: Provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such insurance fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

Application of excess of profits over standard rate of dividend.

23. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the rates of dividend by this Act authorised, and to form or make up the insurance fund by this Act authorised, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund out of divi-

24. Where in any year the amount of the standard rate of dividend of the Company on the ordinary share capital or stock of the Company shall, by reason of a diminution of the standard

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dends in excess of standard rate of dividends, and application thereof.

price charged by the Company in such year, be increased, then, out of the amount of the divisible profits of the Company applicable to the payment of such increase, the Company may in such year set apart such sum as they shall think fit, and all sums (if any) so set apart by the Company, and any reserved or other fund of the Company existing at the passing of this Act, may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities, in order that the same may accumulate at compound interest, and the fund so formed shall be called "The Reserve Fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the rates of dividend authorised by this Act, and, save as in this Act otherwise provided, no sum shall in any year be carried by the Company to any reserve fund.

Power to borrow on mortgage in respect of original capital.

25. The Company may at any time and from time to time after the passing of this Act borrow on mortgage, in respect of the original capital of forty-three thousand pounds, any sums not exceeding in the whole five thousand pounds, but not at any higher or greater rate of interest than five per cent. per annum.

Power to borrow on mortgage in respect of additional capital.

26. In addition to the sum of five thousand pounds which the Company are authorised to borrow by the last preceding section, they may from time to time borrow on mortgage as is herein-after mentioned, in respect of the additional capital of twenty thousand pounds by this Act authorised to be raised by shares or stock, any sums not exceeding in the whole five thousand pounds; (that is to say,) when five thousand pounds of the new capital of twenty thousand pounds by this Act authorised to be raised has been issued, accepted, and one half thereof has been paid up and certified as herein-after mentioned, they may borrow on mortgage any sums not exceeding one thousand two hundred and fifty pounds, and when a further sum of five thousand pounds of the said new capital of twenty thousand pounds has been issued, accepted, and one half thereof has been paid up and certified as is herein-after mentioned, they may borrow on mortgage any further sums not exceeding one thousand two hundred and fifty pounds, making, with the first-mentioned sum of one thousand two hundred and fifty pounds, two thousand five hundred pounds, and in respect of each further five thousand pounds of the said new capital, the Company may in like manner borrow a further sum of one thousand two hundred and fifty pounds; but no part of any one of the said sums shall be borrowed until shares for so much of the portion of the said additional capital in respect of which the borrowing power is to be exercised, as is to be raised by means of shares are issued and accepted and one half

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of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such portion of the capital have been issued and accepted, and that one half of such portion of capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the same portion of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said additional capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof: Provided always, that the money authorised to be borrowed under this section or any part thereof shall not be raised at any higher or greater rate of interest than five per cent. per annum.

Conversion of borrowed money into capital.

27. It shall not be lawful for the Company to raise by the issue of shares, or to convert into share capital, any part of the money which they are by this Act authorised to borrow.

Arrears of interest and principal may be enforced by appointment of a receiver.

28. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, 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.

Priority of mortgages over other debts.

29. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation

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Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Short title of Act to appear on mortgages.

30. Every mortgage granted by the Company after the passing of this Act shall be marked with the short title of the Act under the powers of which the same is granted, and every such mortgage, unless otherwise resolved by the Company, shall be according to the form in Schedule C. annexed to the Companies Clauses Consolidation Act, 1845, or to the like effect.

Power to create debenture stock.

31. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Company shall rank pari passu with the interest of all mortgages granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

32. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act.

Power to construct and maintain gasworks, &c.

33. Subject to the provisions of this Act, the Company may from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue their existing gasworks upon the lands on which the same are erected, or any part thereof, and which are described in the schedule to this Act; and they may also erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue, works for the manufacture, development, storing, and supply of gas, and for the conversion or utilisation and distribution of materials used in and about the manufacture of gas as aforesaid, and of residual products resulting from any such manufacture, and for the manufacture of chemicals; and the Company may also from time to time provide, lay down, maintain, adapt, alter, and renew mains, pipes, and other works, drains, sewers, meters, lamps, lamp-posts, burners, stopcocks, posts, and other apparatus and conveniences, and may on the lands aforesaid do all such acts as may be proper for making, storing, and supplying gas within the limits of the Act of 1860 as extended by this Act, and may sell and supply gas accordingly, and may deal in, sell, and dispose of coke, tar, lime, chemicals, and other residual or manufactured products, and carry on the business usually carried on by gas companies, including anything which is or may become incident thereto, or by companies or persons dealing in any of the matters and things

aforesaid, and in connexion therewith the Company may manufacture, purchase or hire, and supply meters, fittings, stoves, machinery, steam and other engines, and apparatus. A.D. 1879.

Power to lay pipes against buildings.

34. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main, branch, pipe, or other work of the Company into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent or duration of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, wire, or apparatus.

General purposes of the Company.

35. The purposes and business of the Company under the Act of 1860 and this Act shall include the manufacture of gas for public and private purposes of lighting, and for trade, cooking, and all other purposes whatsoever, the dealing in, selling, and disposing of gas, lime, coke, tar, chemicals, or other residual and manufactured products and things, and the carrying on of the business usually carried on by gas companies, including anything which is or may become incident thereto, or by companies or persons dealing in any of the matters or things aforesaid, and the manufacturing, purchasing, hiring, and supplying of meters, fittings, stoves, steam and other engines, and apparatus for the several purposes aforesaid.

Power to purchase lands by agreement.

36. The Company may, for the purposes of their undertaking, purchase and take (by agreement, but not otherwise) and hold, in addition to the lands described in the schedule to this Act annexed, and to any lands which they are otherwise authorised by the Act of 1860 or this Act to acquire, any lands and hereditaments, not exceeding in the whole three acres, which the Company may from time to time require for the purposes of their works and undertaking, and may (subject as herein-after mentioned) acquire (but only by agreement) any easement, interest, right, or privilege in, over, or affecting lands or hereditaments within the limits of supply for the general purposes of their undertaking: Provided always, that the Company shall not construct works for the manufacture of gas, nor shall they manufacture gas or residual products, except upon the land described in the schedule to this Act.

Gas not to be manufactured except on lands scheduled.

Power to take easements, &c.

37. Persons empowered by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to convey or release lands, may, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company for the purposes of this Act any term, estate, easement, interest,

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right, or privilege (not being an easement of water) in, over, or affecting or belonging to such lands, at a yearly rent or otherwise, and the provisions of those Acts with respect to lands and rent-charges shall, so far as the same are applicable in this behalf, extend and apply to such grants, easements, rights, and privileges.

Standard price of gas, with sliding scale as to dividend.

38. The standard price to be charged by the Company for gas supplied by them shall be four shillings per one thousand cubic feet; provided that the Company may increase or diminish such standard price, subject to a decrease or increase in the standard rates of dividend upon the ordinary capital as defined by this Act, to be calculated as follows:

For every penny charged in excess or in diminution of such standard price in any year, the standard rates of dividend upon the ordinary capital shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

Pressure of gas.

39. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure, and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

40. The prescribed number of candles shall be sixteen.

Testing place.

41. Within twelve calendar months from the passing of this Act a testing place shall be provided upon some part of the works or lands of the Company, or within two hundred yards from any part thereof.

Burner.

42. The prescribed burner shall be the burner known as Sugg's London Argand Burner No. 1, consuming five cubic feet of gas per hour, with a six-inch by one-and-three-quarter-inch glass chimney, outside measure, and if at any time the gas flame rises above the top of the glass a six-inch by two-inch chimney, outside measure, shall be used.

Security for payment of gas rents, &c.

43. Any person having or requesting to have a supply of gas from the Company shall, if and when so required by the Company, and before he is entitled to have any service pipes and meter or other apparatus provided and fixed, or to have a supply or further supply of gas, give the Company such security for the payment of one year's rent or charge for the gas to be supplied to him as he and the Company may agree upon, or as, in default of agreement, shall be determined in the manner provided by the Gasworks Clauses Act, 1871, for determining the amount of security to be given for the use of meters supplied by the Company; and the Company shall be liable to a penalty not exceeding five pounds if without reasonable cause they shall discontinue the supply of gas to any person then having such supply, unless such person shall have failed to give them such security for seven days after the same shall have been demanded by the Company.

Company to pay interest on money deposited as security.

44. If any person is required by the Company to give to them security for the payment of any rent or charge for gas, or for the price or rent of any meter, the Company shall, in the event of such security being a sum of money deposited with the Company, pay interest after the rate of five pounds per centum per annum on every sum deposited by way of such security during such time as the said money shall be so deposited, and such interest shall be payable half yearly, subject, however, to the right of the Company to set off the same against any money due to the Company from such person.

Power to hold licenses under letters patent.

45. The Company may purchase, acquire, hold, and use, but only for the purposes of their own limits or district, patent rights or licenses or authorities under any letters patent for the use, exercise, or practice of any invention heretofore made or hereafter to be made relative to the manufacture, conversion, utilisation, or distribution of gas, or of any such materials, products, and residuals as aforesaid.

Contracts for supplying gas for public purposes.

46. The Company may enter into and carry into effect contracts or arrangements with any corporation, local board, sanitary or other local authority, or with the trustees of any turnpike or other road, or any highway board, or any surveyors of any highway, or inspector of lighting, or with any railway company, or any other companies, bodies, or persons, for the supply of gas by the Company within the limits of the Act of 1860 and this Act, for any period not exceeding, under any one such contract, seven years, and may vary, suspend, or rescind any contract or arrangement, and may enter into and carry into effect other contracts or arrangements in lieu thereof or in addition thereto.

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Applying part of 38 & 39 Vict. c. 55. s. 161.

47. So much of section 161 of the Public Health Act, 1875, as relates to contracts for the supply of gas shall be incorporated with this Act, and for the purposes and within the limits of this Act the words "any person" in the said section shall include and mean the Company, and the portion of the said section so incorporated shall accordingly be read and have effect as if the name of the Company had been therein inserted.

Accounts may be made up half yearly.

48. Notwithstanding anything contained in the 35th section of the Gasworks Clauses Act, 1871, the Company may make up and forward to the Mirfield, Ravensthorpe, and Liversedge Local Boards respectively, or other local authorities referred to in that section, half-yearly statements of accounts made up to the 30th day of June and the 31st day of December, instead of the annual statements mentioned in the said section: Provided nevertheless, that the said half-yearly accounts are as near as may be in the form and contain the particulars specified in Schedule B. to the said Act annexed.

Payment of penalties.

49. Every penalty imposed by this Act shall (except where otherwise expressly provided, and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Penalties not cumulative.

50. 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 any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Authenticity of notices.

51. Any summons, warrant, demand, or notice, or other such document, to be issued or given for any of the purposes of this Act may be in writing or print, or partly in writing or partly in print, and if the same require authentication by the Company the signature thereto of the secretary to the Company shall be a sufficient authentication.

Recovery of debts before justices.

52. In case any person who has been supplied with gas by the Company, or who is liable under this Act to any payment in respect of a supply of gas or of the use or repair of any meter, fails, after demand thereof in writing left upon the premises of such person by the Company, their agent or collector, to pay the amount due in respect of the supply or of the meter, any justice, on application by the Company, shall issue his summons to the person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid, and if on the appearance of the person, or, in default of appearance, after proof of the service of the summons, either personally, or, if he cannot be found, at his last known place of abode or of business, sufficient cause

be not shown to the contrary, the justice shall issue his warrant of distress for the seizure and sale of the goods and chattels of the person for the recovery of the amount proved before the justice to be due from the person, with such costs, to be settled by the justice, and including the cost of cutting off the gas if the same be cut off by the Company, as the justice thinks fit and reasonable.

Recovery of gas rents, &c.

53. All money owing to the Company for a supply of gas or otherwise may be recovered by them with costs in any court having jurisdiction in cases of debts of the like amount, and the remedy under this enactment shall be in addition to their other remedies for the recovery of such money.

Recovery of gas rents from servants or agents.

54. When in any proceeding for the recovery of any rate, rent, or sum due to the Company from the occupier of any premises it is proved to the satisfaction of the justice or court having cognizance of the case that such occupier occupied the said premises as the servant or agent of some other person, such last-mentioned person shall be liable to pay such rate, rent, or sum to the Company in the same manner and to the same extent as such occupier.

Representation of the Company in bankruptcy, &c.

55. In proceedings under any bankruptcy or liquidation by arrangement, or deed of composition or arrangement, the secretary of the Company, or any person appointed on his behalf by writing under his hand, may represent the Company, and shall be competent to act for the Company, and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Difference with railway and other companies.

56. If any difference arises between the Company and any railway, canal, or other company whose lands or works the Company have power to cross under the authority of this Act for the purpose of meeting the demands for gas within the limits of supply as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Contracts not to disqualify for office of director.

57. Any contract to be made with any board, corporation, or public body under this Act shall not disqualify any of the members of any such board, corporation, or public body for the office of director of the Company, but no director, being a member of any such board, corporation, or public body, shall vote on any question as to any contract with such board, corporation, or public body.

Notices to Company to be in writing.

58. No notice to the Company to discontinue the use of any gas supplied by them shall be of any effect unless such notice shall

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be in writing, and left at the principal office for the time being of the Company.

Justices not disqualified by being creditors of Company.

59. No justice or judge shall be disqualified from acting in the execution of this Act by reason of his being a creditor of the Company.

Expenses of Act.

60. All costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

Gas Lands.

Lands forming the site of the Company's existing gasworks, containing four acres and ten perches in extent or thereabouts, situate at Ravensthorpe, in the township and parish of Mirfield, in the county of York, and bounded as follows: on the east by Back Queen Street, and by property belonging or reputed to belong to John Taylor and Joseph Illingworth, and to David Hanson; on the west by Dark Lane; on the north by Canker Dyke Beck, and land belonging or reputed to belong to David Hanson; and on the south by the Dewsbury and Elland turnpike road.

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