CHAP. cxxii.

An Act for granting further powers to "The Oxford Gaslight and Coke Company." [12th July 1869.] A.D. 1869.

WHEREAS by an Act passed in the fifty-eighth year of the reign of King George the Third, intituled "An Act for "lighting with gas the university and city of Oxford and the "suburbs of the said city," the Oxford Gaslight and Coke Company (who are herein referred to as "the Company") were incorporated, and by that Act were empowered to raise and have accordingly raised eighteen thousand pounds by shares, each of the nominal amount of one hundred and fifty pounds: 58 G. 3. c. lxiv.

And whereas the works of the Company have been for many years in operation, and the Company have expended the whole of the before-mentioned share capital:

And whereas the Company have from time to time expended on their undertaking out of monies applicable to dividend sums amounting in the whole to more than twelve thousand pounds:

And whereas the Oxford local board are or claim to be entitled to certain sums, being the amount of profits arising from the manufacture of gas, and exceeding ten pounds per centum per annum on the paid-up share capital of the Company:

And whereas the population and houses within the limits of the said Act have of late years greatly increased, and are still increasing, and the Company require further powers and capital to enable them effectually to carry on their undertaking not only within those limits, but the extended district herein-after defined:

And whereas the objects aforesaid cannot be effected without the authority of Parliament, and the same might be more conveniently accomplished if the recited Act be repealed, and if other powers and provisions be granted and made instead thereof:

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,

A.D. 1869.

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

Short title.

1. This Act may be cited for all purposes as "The Oxford Gaslight and Coke Company's 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., II., and III. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that nothing in this or "The Lands Clauses Consolidation Act, 1845," contained shall authorize the Company to take or use any land except with the consent of and by agreement with the owners, lessees, and occupiers thereof.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in construing this Act, and in construing for the purposes of this Act the Acts incorporated herewith, the following words and expressions have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) the expression "the special Act" means this Act; the expression "the works" or "the gasworks," or "the undertaking," means the gasworks and works connected therewith by this Act vested in the Company, or which they may construct under the powers of this Act; the expression "the promoters of the undertaking" or "the undertakers" means the Company; the expression "the local board" means the local board of health acting for the districts of Oxford, Cowley, and North Hincksey under the provisions of the twenty-eighth and twenty-ninth Victoria, chapter one hundred and eight; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, are to be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Recited Act repealed.

4. Subject to the provisions of this Act, the recited Act is hereby repealed.

Limits of Act.

5. The limits of this Act for the supply of gas by the Company shall comprise and include the city and university of Oxford, and the parishes of Headington, Saint Clement, Saint Giles, Cowley, and

Iffley, in the county of Oxford, and Saint Aldate, North Hincksey, South Hincksey, and Botley, in Berkshire.

Company to continue incorporated.

6. Notwithstanding the repeal of the recited Act, the Company shall for the purposes of this Act remain as from the passing of the said recited Act and continue incorporated by the name of "The Oxford Gaslight and Coke Company," and by that name shall continue and be a body corporate, with perpetual succession and a common seal, with power to purchase, hold, and dispose of lands and other property for the purposes and within the restrictions of this Act.

Present property vested in Company.

7. Subject to the provisions of this Act, all lands, works, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the Company, or any person in trust for them or on their behalf, or to which they were in anywise entitled at law or in equity, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp posts, 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, or which immediately before the passing of this Act were the property of or belonging to the Company, and all monies, securities, credits, effects, and other property whatsoever belonging to the Company, or to any trustees on their behalf for the purposes of the 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 them or to any trustees on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for, and recovered by the Company.

Not to affect previous rights and liabilities.

8. Notwithstanding the repeal of the recited Act, except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the Company or the shareholders therein in that capacity shall be as valid as if the said Act were not repealed, and the repeal of the said Act and this Act shall respectively 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 this Act were not passed would be incident to or consequent on any and every thing so done or suffered; and the Company shall be liable in respect of all such rights, liabilities, claims, and demands in the same manner and to the same extent as the Company would have been liable in respect of such rights, liabilities, claims, and demands if this Act were not passed: Provided always, that the generality of this

A.D. 1869.

enactment shall not be restricted by any of the other clauses and provisions of this Act.

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

9. All purchases, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the Company, or any trustees or persons acting on behalf of the Company, or by 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 this Act had not been passed.

Actions, &c. not to abate.

10. 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 Company, or any member thereof, in relation to the affairs of the Company, or to which they or any member 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, in favour of, or against the Company, or any member thereof, if this Act had not been passed.

Judgment in respect of existing liabilities may be enforced against individual shareholders.

11. If any judgment, decree, or order be at any time after the commencement of this Act obtained against the Company in respect of any debt or liability owing or incurred, or in respect of any contract made or tort committed by the Company before the commencement of this Act, and be not fully satisfied out of the property of the Company, then and in every such case the judgment, decree, or order may be enforced and execution thereon issued against the property and effects of any person who was a member of the Company immediately before the commencement of this Act, or at the time when the contract was made or the tort was committed in respect of which the debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability, to the same extent as if this Act had not been passed.

Reimbursement of shareholders in such case.

12. Every person against whom or against whose property or effects any such judgment, decree, or order is enforced shall be entitled to recover against the Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatis-

fied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have been issued, and the contribution may be recovered in like manner as contribution in ordinary cases of copartnership.

Gas rates, &c. to be recovered.

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

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

14. All persons who immediately before the passing of this Act owed any money to the Company, or to any person on their behalf, shall pay the same with all interest (if any) due, 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 or recoverable from the Company, or for the payment of which the 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.

Sales of shares, &c. to remain in force.

15. All sales, transfers, and dispositions executed before the passing of this Act of any share or shares in the joint stock of the Company shall remain in full force, and shall be and continue available in all respects whatsoever in the same manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the powers or authorities contained in this Act.

Books to be evidence.

16. All books and other documents whatsoever by the recited Act authorized or directed to be kept, and thereby made evidence, shall still be admitted as evidence in all courts whatsoever.

Officers to continue until removed.

17. All officers and servants of the Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall have the like powers and authorities for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

Capital.

18. The capital of the Company shall (subject to the augmentation after mentioned) be twenty-four thousand pounds, whereof eighteen thousand pounds, representing the original capital of the

A.D. 1869.

Company, shall be divided into seven hundred and twenty shares of twenty-five pounds each, to be called A shares; and six thousand pounds, representing part of what has been expended on works out of profits applicable to dividend, shall be divided into two hundred and forty shares of twenty-five pounds each, to be called B shares; and the first half year's dividend to accrue on the B shares shall be due and payable on the twenty-fourth day of June one thousand eight hundred and seventy.

Allotment of B shares.

19. The said B shares shall be allotted as fully paid up, rateably to the several persons and corporations who immediately before the passing of this Act were possessed of or entitled to one or more of the existing shares of the Company, in proportion to the number of their said shares, and such B shares shall vest in such persons and corporations accordingly, and shall be in full of all claims of the shareholders to arrears of dividend.

Appropriation of existing shares.

20. The existing shares shall remain vested in the respective shareholders upon the same trusts and subject to the same powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the said existing shares respectively, and so as to give effect to and not revoke any testamentary disposition of or affecting such shares.

Directors to call in and cancel existing share certificates, and issue new certificates in lieu thereof.

21. The directors shall call in and cancel the existing certificates of shares in the Company, and issue in lieu thereof new certificates in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company, to be cancelled, the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof.

Power to raise additional capital.

22. In addition to the said twenty-four thousand pounds the Company may from time to time raise, by the creation of new ordinary or new preference shares (to be called C shares), or (at the option of the Company) by both of those modes, such further sum or sums as they may think proper, not exceeding in the whole thirty thousand pounds, in shares of twenty pounds each.

New shares not to be issued unless and until one fifth part thereof paid up.

23. The Company shall not issue any such share, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof.

Limits of dividends on B and C capitals.

24. The Company shall not in any year make out of their profits any larger dividend on the B capital than five pounds in respect of every one hundred pounds of such capital, nor more than seven pounds in respect of every one hundred pounds actually paid of such capital on such of the C shares as may be issued as ordinary shares, nor more than six pounds in respect of every one hundred pounds actually paid of such of the C capital as may be issued as preference capital.

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

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

Power to borrow on mortgage.

26. The Company may from time to time, under the powers of this Act, borrow on mortgage any sums not exceeding six thousand pounds, to be given as by this Act provided to the local board, and also the additional sum of seven thousand five hundred pounds when the additional capital of thirty thousand pounds by this Act authorized to be raised shall have been subscribed for bonâ fide, issued, and accepted, and one half thereof shall have been paid up; but no part of the said additional sum of seven thousand five hundred pounds shall be borrowed until the Company shall prove to the justice who is to certify under the provisions contained in the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all of the said additional capital of thirty thousand pounds has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proofs aforesaid have been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by the appointment of a receiver.

27. The mortgagees of the Company may enforce the payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for such receiver shall be made shall not be less than two thousand pounds in the whole.

A.D. 1869.

Power to create debenture stock.

28. The Company may create and issue debenture stock, and may attach thereto a fixed preferential interest not exceeding five pounds per centum per annum.

Application of monies.

29. All money raised under this Act by the Company, whether by shares, debenture stock, or borrowing, shall be applied only for the purposes by this Act authorized.

6,000*l.* debenture to be given to local board in respect of past surplus profits.

30. The Company shall within three months after the passing of this Act create and issue to the local board, in payment of sums claimed by them as due as surplus of profits accruing in past years over the prescribed sum of ten pounds per centum per annum, one or more debentures to the aggregate amount of six thousand pounds, bearing interest at the rate of five pounds per centum per annum, payable half-yearly, the first half year to be reckoned as ending on the twenty-fourth day of June one thousand eight hundred and seventy, when and at every subsequent half-yearly period the said interest shall be paid by the Company, and the monies arising from time to time from the paying off of any such debenture or debentures shall be applied by the local board for such purposes only as shall be from time to time sanctioned by the Secretary of State for the Home Department.

Auditor of accounts.

31. There shall be an auditor of the accounts of the Company, being a competent and impartial person, to be yearly appointed, in November, by the chairman for the time being of the local board and the chairman for the time being of the Company, and in case they disagree, the appointment shall be made by the recorder for the time being of the city of Oxford, and the salary of the auditor shall be paid by the Company.

Ascertainment of capital of Company.

32. The auditor shall with all practicable speed after the passing of this Act, and from time to time, ascertain and certify the amount of the capital for the time being of the Company, distinguishing share from loan capital.

Form of accounts.

33. The accounts of the Company shall be made out in the form set forth in the schedule B. to this Act, or in such other form as the Company and the local board may from time to time agree upon.

Periodical audit.

34. The auditor shall half-yearly audit the accounts of the Company, and, if he finds the same correct, he shall certify the same; but if in any instance he finds the accounts incorrect in principle or in detail, he shall require the Company to correct the same in such manner as he thinks right, and a dividend shall not in any case be declared until the accounts are certified by the auditor, and the accounts as certified shall be laid before the vice-chancellor of the

university of Oxford, the mayor of the city of Oxford, the clerk of the Oxford local board, and the clerk of the peace for the city of Oxford.

Facilities for auditor.

35. The Company shall give to the auditor, his clerks, and assistants access to the books and documents of the Company, and shall, when required, furnish to him and them all vouchers and information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty.

Arbitration between auditor and Company.

36. If the Company think themselves aggrieved by any act or determination of the auditor, the matter in difference shall be referred to the determination of an arbitrator agreed on between the Company and the auditor, or, in default of agreement, appointed, on the application of either party, by the Lord Chief Justice of the Court of Common Pleas, and the reference shall be subject and according to the provisions of "The Common Law Procedure Act, 1854," and the decision of the arbitrator shall be final and conclusive, and, subject to this provision, the Company shall observe and abide by the directions and determinations of the auditor.

If profits exceed the amount limited, excess to be invested and form an insurance fund.

37. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to make a dividend at the rate of ten pounds per centum per annum on eighteen thousand pounds represented by the A shares, five pounds per centum per annum on six thousand pounds represented by the B shares, and seven pounds per centum per annum on any additional capital to be created and issued under the powers of this Act, the excess beyond the sum necessary for such purposes shall from time to time, to the extent of one pound per centum per annum on 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 tenth of the paid-up capital for the time being of the Company, which sum shall form an insurance fund to answer any deficiency which may at any time happen in the amount of divisible profits, or to meet any extraordinary claim or demand which may at any time arise against the Company from accident which due prudence and management could not have prevented; 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

A.D. 1869.

said fund shall reach one tenth part of the paid-up capital for the time being, the interest thereon shall be carried to the credit of the fund available for dividend.

Reserve fund not to be resorted to unless to meet an extraordinary claim or demand.

38. Provided always, that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim, unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim within the meaning of this Act.

If profits are more than the amount prescribed, the surplus to be paid over to the Oxford local board.

39. If the clear profits of the Company in the preceding year amount to a larger sum than is necessary to provide the rates of dividend by this Act prescribed, and to form or make up the insurance fund by this Act authorized, then and in such case the excess of such profits shall be paid over to the Oxford local board, to be by them applied in aid of the general district rates made or levied by them in the district of Oxford.

First and other meetings.

40. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of March or April, and September or October in every year.

Quorum of general meetings.

41. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five shareholders present in person or by proxy, holding in the aggregate not less than two thousand pounds of the capital of the Company.

Number of directors.

42. The number of directors shall be five.

Qualification of directors.

43. The qualification of a director shall be the possession in his own right of not less than six A shares, each of the nominal value of twenty-five pounds, or of not less than one hundred pounds of stock of the Company if and when the said shares are consolidated into stock.

Quorum.

44. The quorum of a meeting of directors shall be three.

First directors.

45. The persons who at the time of the passing of this Act are the committee of management of the Company shall be the first directors of the Company.

Power to purchase lands.

46. The Company may for the purposes of their undertaking purchase, take, and hold (by agreement, but not otherwise) any lands and hereditaments which they may require, provided they do not hold more at any one time than fifteen acres: Provided always, that no lands shall be used by them for the purpose of manufacturing gas, excepting the lands at present occupied by the Company for that purpose or immediately adjoining thereto, and which lands

are described in the schedule A. to this Act; and the Company shall not construct any works for the storing of gas (except upon the before-mentioned lands) within three hundred yards of any dwelling house.

Powers as to construction of gasworks, &c.

47. Subject to the provisions of this Act, the Company may from time to time maintain, alter, improve, enlarge, and extend their existing gasworks, and they may from time to time make, erect, lay down, provide, and maintain additional and other gasworks, retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp posts, burners, stopcocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they think proper for making and storing gas and for supplying gas within the limits of this Act, and they may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, coal, breeze, tar, pitch, asphaltum, ammoniacal liquor, sulphate of ammonia, oil, and other products and residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they from time to time think fit: Provided that nothing in this Act contained shall prevent the Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable in consequence of any such operations.

Power to contract with local board, &c. for supply of gas.

48. The Company or their directors may from time to time enter into or make any contract or agreement with any body or bodies politic or corporate, local board of health, highway board of any district, surveyors, commissioners, or other person or persons having the control, direction, or management of any street, road, cemetery, or bridge, or of any building or clock belonging to any public body within the limits of this Act, for lighting or supplying the same or any part thereof with gas, or for providing the same with lamp pillars and posts, lamp brackets, lamps and glass, and for the repair thereof respectively; and also from time to time may make and enter into any contract or agreement with any body corporate or person for lighting or supplying with gas any church, chapel, shop, inn, tavern, dwelling house, mill, manufactory, warehouse, or other public or private building, in such manner, and under such conditions, and upon such terms, as shall be agreed upon between the Company and the respective body or bodies politic or corporate, board, surveyors, commissioners, or other persons respectively.

Power to lay pipes against buildings.

49. The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or other necessary

A.D. 1869.

apparatus from any main or branch pipe into, through, or against such building for the purposes of lighting it, and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time with the like consent repair, replace, alter, or discontinue and remove any such pipe, branch, or apparatus.

Company to supply gas in certain event at request of owner or occupier.

50. The Company shall, at the request in writing of any owner or occupier of any premises within twenty-five yards of which any main gaspipe of the Company shall be then laid, furnish to him a sufficient supply of gas for such premises, together with a meter, and so much of the service pipe as shall be necessary to communicate between the main pipe of the Company and such meter: Provided that the expense of so much of the service pipe as shall be laid upon private property, or in any other case as shall be laid beyond sixty feet in length, shall be defrayed by such owner or occupier; and provided further, that the Company shall not be bound to furnish such supply of gas or meter or service pipe unless such owner or occupier shall enter into a written contract to continue to receive and pay for a supply of gas for a period of at least two years, and to an amount not being less than twenty pounds per centum per annum on the outlay incurred by the Company in providing such service pipe and meter; and if the Company shall by their wilful default fail to supply the gas within a reasonable time after such request, then on proof of such failure the Company shall be subject to a penalty not exceeding five pounds.

Security for payment of rate.

51. Any person having or requesting to have a supply of gas from the Company shall, if and when so required in writing by them, and before he is entitled to have such service pipes and meter provided and fixed, or to have a supply of gas, give to them such security for the payment by him of the rate for the gas to be supplied to him as he and the Company agree on, or as, in default of agreement, shall be determined as by this Act provided, and the Company shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the Company.

Justice may determine nature of security.

52. Where any such person and the Company do not agree on the security to be given the same shall be determined by a justice, and any single justice shall on the application of the person and the Company, or either of them, determine the nature and amount

of the security to be given, and the security may, as the justice thinks fit, be the deposit with the Company or with any person approved by the justice, or the prepayment to the Company of a sum of money or other security which the justice thinks sufficient and reasonable, and the determination of the justice shall be binding on all parties: Provided that if the security be the deposit with the Company of a sum of money, the Company shall pay interest thereon to the consumer at such rate and for such time as the justice determines.

Consumers may be required to consume by meter.

53. Every consumer of gas supplied by the Company shall, on being required by the Company so to do, consume such gas by meter.

Consumer may provide his own meter.

54. Every consumer of gas supplied by the Company shall be at liberty, at his own expense, to provide his own meter, the same being duly stamped according to law.

Power to Company to let meters.

55. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Company of such meter, as may be agreed upon between the hirer and the Company, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Company for gas.

Register of gas meter to be primâ facie evidence.

56. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Company, and in respect of which any rent is charged and sought to be recovered by the Company.

Power to remove meters and fittings.

57. The Company, after forty-eight hours notice in writing under the hand of the secretary, engineer, or other officer 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 other than the neglect or default of the Company be discontinued, may enter such land, house, or building, between the hours of eight in the morning and six in the afternoon, for the purpose of removing and may remove such pipes, meters, or fittings, repairing all damage caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or sent by post addressed to such person: Provided that if the owner or lessee of

A.D. 1869.

any such unoccupied house or building be unknown to the Company upon due inquiry, the notice may be given by affixing it for three days to some conspicuous part of the house or building.

Fraudulently injuring meters, &c.

58. If any person shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any pipes, mains, meters, or fittings, or other things connected therewith, belonging to the Company, or shall alter the index to any meter, or fraudulently alter any part of such meter, or any pipes connected therewith, or in any way wilfully, fraudulently, or knowingly prevent such meter from duly registering the quantity of gas supplied, or by any means fraudulently abstract, consume, or use the gas of the Company, every person so offending shall for every such offence forfeit to the Company any sum not exceeding five pounds, and the Company may in addition thereto recover the amount of any damage sustained by them which shall not be satisfied by the amount of the penalty recovered, and may also discontinue until the act complained of is remedied, but no longer, the supply of gas to the person or company so offending, and notwithstanding any contract previously existing; and the existence of artificial or irregular means for causing such alteration or abstraction when such meter shall be under the custody or control of the consumer shall be primâ facie evidence that the same has been wilfully, fraudulently, and knowingly caused by the consumer using such meter: Provided always, that this enactment shall not prejudice any right of the Company to institute any criminal proceedings in reference to such offence in any case where they shall not proceed summarily under this Act.

Limit of price for gas.

59. The maximum price at which gas shall be sold by the Company to all persons who shall burn the same by meter shall not exceed four shillings per thousand cubic feet within the district of the local board, and four shillings and sixpence beyond such district.

Incoming tenant not liable for arrears of gas rate.

60. In case any consumer shall leave the premises where gas was supplied to him without paying to the Company the gas rate or meter rent due from him, the Company shall not be entitled to require from the next tenant of the premises payment of the arrears left unpaid by the former tenant, unless the incoming tenant had agreed with the defaulting consumer to pay the arrears.

Quality of Company's gas.

61. 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 fourteen sperm candles of six to the pound, burning one hundred and twenty grains per hour, and shall be so far free from sulphuretted hydrogen as not

to discolour moistened test paper imbued with acetate or carbonate of lead when those tests are exposed for one minute to a current of gas issuing under a pressure of five tenths of an inch of water.

Local board may erect a meter to test illuminating power of gas.

62. The local board may erect at the Town Hall of Oxford, or at some other proper and convenient place, 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, with other necessary apparatus for testing the illuminating power and purity of all the gas of the Company.

Power to test the illuminating power of the gas.

63. It shall be lawful for the local board, by order in writing, to appoint some competent person, not being a member, officer, or servant of the local board, to make experiments as to the illuminating power and purity of the gas by means of the experimental meter and other apparatus before mentioned, and (three hours previous notice in writing being given by him to the Company) he may at any hour in the daytime, and not later than eight o'clock in the afternoon, either with or without the concurrence or presence of the manager or any other officer of the Company (but such manager or officer may be present if he so require), make experiment of the illuminating power and purity of the gas as before mentioned, and the Company and their officers shall afford all reasonable facilities for the making of such experiment; and if it shall be proved to the satisfaction of any two justices, not being shareholders of the Company nor members of the local board, after hearing the parties, that the illuminating power or purity of the gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating power or purity by this Act prescribed, or that the Company or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Company shall forfeit such sum not exceeding twenty pounds as the justices shall determine.

Costs of experiment to be paid according to event.

64. The costs of and attending such experiment, including the remuneration to be paid to the person making the same and the costs of the proceedings before the justices, shall be ascertained by the justices, and in the event of any penalty being imposed on the Company shall be paid, together with such penalty, by the Company; but in the event of no such penalty being imposed on the Company, then those costs shall be ascertained by the justices and shall be paid by the local board.

Local board may agree for lamps.

65. The local board may contract with the Company for providing and keeping in repair the public lamps, lamp posts, burners,

A.D. 1869.

brackets, and irons, and for lighting and extinguishing the public lamps, or for any of those purposes; and with respect to any public lamp posts, lamps, and fittings now belonging to the Company, such lamp posts, lamps, and fittings shall not be removed except at the instance or with the consent of the local board, but the Company shall be entitled to receive for providing and maintaining such lamp posts, lamps, and fittings such reasonable annual or other remuneration as may be mutually agreed upon, or as in case of difference shall be settled by the recorder for the time being of the city of Oxford.

Penalty for failure to supply gas to public lamps.

66. If and whenever the Company wilfully fail to supply gas as by this Act required to all or any of the public lamps, they shall be liable to a penalty not exceeding five pounds for each default.

Price of gas supplied to public lamps.

67. The price to be charged by the Company, and to be paid to them by the local board or by the lighting authority within the extended limits by this Act authorized, for all gas so supplied to or for any such public lamps shall always be calculated and fixed at and according to the lowest price for the time being charged by the Company to any private consumer in the parish or place within such extended limits in which such public lamps shall be situated.

Mode of consuming gas supplied to the public lamps.

68. The gas supplied to the public lamps shall be consumed either by meter or otherwise, at the option of the local board, and in case of its being consumed by meter the meters shall be provided by the local board, and fixed by the Company at the expense of the local board; but neither party shall, except as herein-after provided, be entitled to require that a meter be affixed to more than one in every twelfth lamp then supplied with gas under this Act: Provided that the Company shall be at liberty, if they think fit, to have a meter affixed to any additional number of lamps, they providing such meters and paying to the local board the additional expense of providing and adjusting the lamps, lamp posts, and other things necessary for their reception and use: Provided always, that if the gas shall under the provisions of this Act be supplied to the public lamps by average meter indication, the Company shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps under the control of the local board with proper self-acting pressure regulators and burners to the satisfaction of the local board, or in case of difference as from time to time shall be settled by the recorder of the city of Oxford, or some competent person to be appointed by him.

As to meters for public lamps.

69. The average amount of the indications of all the meters attached to the public lamps under the control of the local board

shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp. A.D. 1869.

Arbitration between Company and lighting authorities as to meters, lamps, &c.

70. If and whenever any difference shall arise between the Company and any lighting authority within the limits, either as to the registration or taking of the registration of any meters, or as to the burners to be used at the lamps, or as to the amount to be paid in accordance with the provisions of this Act for gas supplied to the public lamps, public clocks, and public buildings within the limits or otherwise, the matter in difference shall, except where otherwise provided by this Act, be settled by arbitration.

As to testing accuracy of meters.

71. If either the Company or the local board shall dispute the accuracy of the registration of any meter, then such meter shall be tested in the manner provided by the Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in the sales of gas," and if found to register erroneously within the meaning of the said Act it shall not be deemed to be one of the meters from which the average aforesaid shall be determined.

Meter powers to be exercised by local board.

72. All powers conferred upon the town council of Oxford, as to inspection of meters and the testing and examining the same, shall and may be exercised by the local board.

As to the gas supplied to public lamps.

73. The gas supplied to any such public lamp shall be permitted to pass unrestricted to and from such self-acting regulator for the whole of the period during which any such public lamp shall be lighted.

Map of district to be kept by Company.

74. The Company shall, within six months of the passing of this Act, make a map of the district within which their mains or pipes may be laid, to a scale of not less than five feet to a mile, and shall show thereupon the lines, sizes, and depths beneath the surface of all their existing mains or pipes, excepting the service pipes to consumers, and the position of all valves, syphons, and other appliances, and shall once in every year, on or before the thirty-first day of December, correct such map and make such alterations in or additions thereto as may be necessary to show correctly as near as may be the lines, positions, sizes, and depths of the various pipes, and also their appliances, and shall keep such map in the principal office of the Company, and the same shall be open to the inspection of the local board and their officers, and the public generally, who may inspect or take copies or extracts of the same; and the Company may charge and take the sum of one shilling for each inspection of

A.D. 1869.

the map, and the further sum of two shillings and sixpence for each extract, tracing, or copy taken of such map.

Penalty in case of neglect.

75. If the Company fail to comply with any requirements of this Act in respect of such map, they shall for every such offence forfeit and pay any sum which two justices may adjudge, not exceeding ten pounds.

Recovery of charges for gas, &c.

76. If any person shall neglect to pay any sum or sums of money due to the Company for the supply of gas, or for the hire or fixing of meters or fittings, after demand made thereof (such demand being in writing, and served personally, or by leaving the same with some inmate of the usual place of abode of the defaulter), the Company or the directors, or any person acting under their authority, may summon the party in default before a justice, and the justice may, on proof of such service, order that the sum so due, or any part thereof, may be levied by distress and sale of the goods and chattels of the person neglecting to pay the same, wherever such goods and chattels may be found, the surplus, if any, being rendered to the person so neglecting to pay, after deduction of the necessary charges for such distress and sale, and the justice may issue his warrant accordingly.

Contents of warrant.

77. Any one summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Warrant shall include costs.

78. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for recovery of the money to be levied shall be paid by the person liable to pay the money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Recovery of sums due to Company.

79. Whenever any person neglects to pay any gas rate, meter rent, or other 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 remedies of the Company under this enactment shall be in addition to their other remedies in that behalf.

Penalties not cumulative.

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

Liability to gas rate not to disqualify justices.

81. No justice or judge of any county court or quarter sessions shall, except as is by this Act otherwise provided, be disqualified

from acting in the execution of this Act by reason of his being liable under this Act to any gas rate, meter rent, or other charge under this Act, or of his being a shareholder of the Company.

Saving certain powers of local board.

82. Provided always, that, except as is by this Act provided, this Act or anything therein contained shall not affect, prejudice, abridge, or take away the right of the local board to erect gasworks and to light the district of Oxford, or to require the Company to raise, sink, or otherwise alter the situation of any of the mains or pipes of the Company, or any other the powers and authorities of the local board.

Company to pay local board's costs.

83. All costs incurred by the local board up to the passing of this Act with reference thereto shall be paid by the Company.

Saving the rights of the chancellor, masters, and scholars, &c.

84. Saving always to the chancellor, masters, and scholars of the university of Oxford, and to all persons matriculated therein or being members thereof, their rights and privileges of civil and criminal judicature and trial in the courts of the said university alone, as the same have been granted by the charters of the said university and confirmed by divers Acts of Parliament, and saving always to the chancellor, masters, and scholars of the said university and their successors, the several bodies politic, corporate, collegiate, or sole of the said university and their successors, their respective rights, privileges, and franchises.

Saving rights of Corporation of Oxford.

85. Provided always, and except as is by this Act provided, this Act or anything therein contained shall not affect, prejudice, abridge, or take away any of the rights, privileges, and franchises of the mayor, aldermen, and citizens of Oxford.

Expenses of Act.

86. All the costs, charges, and expenses of and incident to the passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

A.D. 1869.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

The works of the Company situate in the parish of Saint Ebbe in the city of Oxford, bounded on the north by the Holy Trinity Church and houses and gardens in Blackfriars Road, on the south by the river Thames, on the east by houses, workshops, and gardens belonging or claimed to belong to James Clarke and Henry Bryan, and Gas Street, and on the west by a road leading from Blackfriars Road to Belvidere Street, Belvidere Street, and a road leading from Belvidere Street to the river.

SCHEDULE (B.)

THE OXFORD GASLIGHT AND COKE COMPANY'S ACT, 1869.

ANNUAL STATEMENT of Accounts, showing the actual state and condition of the concerns of the Oxford Gaslight and Coke Company for the year ending the day of 18 .

Dr. REVENUE ACCOUNT. Cr.

	£	s.	d.		£	s.	d.
To coals carbonized - -				By rental from private consumers			
„ labour - - -				„ public lighting rental -			
„ wear and tear - -				„ coke and other residuals sold			
„ public lighting - -							
„ lime and other gasmaking materials - - -							
„ salaries, including collection -							
„ rents, rates, &c. - -							
„ advertising, stationery, and printing - - -							
„ directors - - -							
„ auditors - - -							
„ law expenses - -							
„ office expenses, — postage stamps, &c. - -							
„ profit and loss - -							
	£				£		

SCHEDULE (B.)—*continued.*

Dr. PROFIT AND LOSS ACCOUNT. Cr.

	£	s.	d.		£	s.	d.
To —— dividend -				By balance unappropriated profits			
„ interest - -				„ revenue - - -			
„ charges - -							
„ reserve for bad debts -							
„ depreciation fund -							
„ insurance fund -							
„ balance net profits -							
	£				£		

Dr. BALANCE SHEET. Cr.

	£	s.	d.	£	s.	d.		£	s.	d.
To capital account paid							By permanent investment -			
on shares - -							Extensions, viz.:			
„ debentures - -							Works - -			
							Mains - -			
„ balance due to sundry persons							Services - -			
„ dividends unclaimed - -							Meters - -			
„ reserve for bad debts -							Public lighting -			
„ depreciation fund - -							Engineering and superintendence			
„ insurance fund - -										
„ balance net profits - -							„ due by sundry persons -			
							„ rental - - -			
							„ public lamps - -			
							„ stock in trade, including mains, meters, coals, &c. -			
	£				£			£		

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.