CHAP. lxxx.

An Act for dissolving the Sheppy Gas Consumers Company, Limited, and re-incorporating the proprietors therein with others; for more effectually supplying with gas Sheerness and other parishes, townships, and places, all in the Isle of Sheppy in the county of Kent; and for other purposes. A.D. 1871.

[29th June 1871.]

WHEREAS in the year 1857 a company was formed under the provisions of the Joint Stock Companies Act, 1856, with limited liability, and under the name of the Sheppy Gas Consumers Company (Limited), for making and vending in the Isle of Sheppy gas and coke, and for other the purposes mentioned in the memorandum of association of that Company: 19 & 20 Vict. c. 47.

And whereas the said Company purchased a piece of land, part of Digg's estate, situate within the ecclesiastical district of Sheerness and parish of Minster in the said Isle of Sheppy, containing on the front or east side thereof, abutting on a certain road called Montague Road, West Minster, as well as on the rear or west side thereof, abutting on the sea wall of the river Medway, two hundred and ninety-five feet or thereabouts, and in depth from east to west, as well on the north as on the south end thereof, one hundred and seventy-five feet or thereabouts, and upon which lands the gasworks of the said Company are now situate, and they have supplied and are now supplying with gas Sheerness and other places in the said Isle of Sheppy:

And whereas it is expedient that the provisions of the Gasworks Clauses Act, 1847, should be made applicable to the undertaking of the said Company, and that for that purpose that Company should be dissolved and their proprietors be re-incorporated: 10 & 11 Vict. c. 15.

And whereas the demand for gas in Sheerness and other townships and parishes and places in the Isle of Sheppy is increasing, and in order to meet such demand it is necessary that the mains and pipes of the Company be further enlarged and extended:

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And whereas it is expedient that the limits within which the Company may supply gas should be defined:

And whereas the present capital of the said Company is twenty-five thousand pounds, divided into five thousand shares of five pounds each, whereof three thousand three hundred shares, representing sixteen thousand five hundred pounds of the capital, were issued as ordinary shares, and eight hundred shares, representing four thousand pounds of the capital, were issued as preference shares and have been fully paid up, and the remaining nine hundred shares have not been issued; and in addition to the share capital the said Company has borrowed the sum of three thousand pounds at interest, and it is expedient that the Company should be authorised to raise further capital:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as "The Sheppy Gas Act, 1871."

Provisions of general Acts herein named incorporated.

2. The Companies Clauses Consolidation Act, 1845, the Companies Clauses Consolidation Act, 1863 (except Part IV. of that Act), and the Companies Clauses Act, 1869, and the Lands Clauses Consolidation Act, 1845, (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement,) and the Gasworks Clauses Act, 1847, shall be and are hereby incorporated with this Act, except in so far as any of the sections or provisions of those Acts may be expressly varied by or be inconsistent with this Act.

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 shall have the same respective meanings, unless excluded by the subject or context:

The expression "the old Company" in this Act shall mean "the Sheppy Gas Consumers Company, Limited:"

The expression "the Company" means the Company incorporated by this Act:

The expression "the works" or "the undertaking" respectively means the gasworks, buildings, lands, mains, and pipes by this Act vested in or authorised to be made or maintained by the Company, and any gasworks they may construct under the powers of this Act:

The expression "the present limits" means the parishes, towns, or places of Sheerness, West Minster, and Queenborough, in the county of Kent:

The expressions "justice" and "justices" shall mean the stipendiary magistrate for Chatham and Sheerness for the time being:

The expression "superior courts" or "courts of competent jurisdiction," or any other like expression in this Act or any Act incorporated herewith, shall 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:

The expression "the extended limits" means the parishes, towns, or places of Eastchurch, Warden, Leysdown, Harty, Saint Thomas, and Elmley, all in the Isle of Sheppy and county of Kent.

Limits of Act.

4. The limits of this Act shall comprise the present limits and the extended limits.

Dissolution of old company.

5. The old Company is hereby dissolved, and their memorandum and articles of association are hereby cancelled and annulled.

Incorporation of Company.

6. The several persons who immediately before the passing of this Act were shareholders in the old Company, and all other persons and corporations who from time to time became entitled to shares of the capital of the Company, and their respective executors, administrators, successors, and assigns, are by this Act united into a company for the purpose of making and maintaining gasworks, and making and supplying gas, coal, and coke, and carrying on the business of a gas and coke company within the limits of this Act, and for doing all acts necessary for that purpose, and for other the purposes by this Act and the incorporated Acts authorised, and for those purposes are incorporated by the name of the Sheppy Gas Company, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to hold lands and other property for the purposes of this Act.

Gasworks, &c. vested in Company.

7. All the undertaking, gasworks, lands, buildings, plant, rights, and easements, moneys, securities, credits, property, effects, choses in action, claims, and demands whatsoever of or to which immediately before the passing of this Act the old Company, or any persons in trust for them, were seised, possessed, or in anywise entitled at law or in equity, with their respective rights, members, and appurtenances, are by this Act vested in the Company as their undertaking, gasworks, property, and effects for all the estate and interest which the old Company or such persons had therein, but subject

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to all debts, liabilities, and engagements of the old Company in respect thereof.

Company to represent the dissolved Company.

8. Except only as is by this Act otherwise expressly provided, the Company shall with respect to their undertaking, gasworks, property, and effects, and all matters connected with the same respectively, represent the old Company, as if that Company and the Company had originally been and had continued without intermission to be one and the same body corporate.

General saving of rights.

9. Notwithstanding the dissolution of the old Company and the cancelling and annulling of their memorandum and articles of association, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old Company shall be as valid as if the dissolution, cancelling, and annulling had not happened, and the dissolution, cancelling, annulling, and the operation of this Act, shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the dissolution, cancellation, and annulling had not happened, would be incident to or consequent on any and every thing so done and suffered, and with respect to everything so done and suffered, and all such rights, liabilities, claims, and demands, the Company shall to all intents and purposes represent the old Company: Provided always, that the generality of this provision shall not be restricted by any of the other provisions of this Act.

Contracts, &c. preserved.

10. All purchases, sales, conveyances, leases, mortgages, bonds, deeds, securities, contracts with respect to supply of gas, and other contracts entered into or made before the passing of this Act by, to, or with the old Company, or any person on their behalf, shall continue and be as effectual to all intents for, against, and with respect to the Company as if the same had been made or executed by, to, or with respect to the Company instead of the old Company, or the trustees or persons acting on behalf of the old Company, and may be proceeded on and enforced by and against the Company accordingly.

Actions not to abate.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, prosecution, or other proceeding commenced by or against the old Company before the passing of this Act, but on the contrary the same shall continue and take effect, both in favour of and against the Company, in like manner to all intents and purposes as the same might continue and take effect in favour of or against the old Company, save only that when necessary the Company shall be substituted therein for the old Company.

Gas rates, &c. to be paid.

12. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all gas rates or rents, meter rents, and other charges with respect to the supply of gas which immediately before the passing of this Act were due or payable or accruing or secured to the old Company, shall be payable and paid to and may be collected and recovered by the Company in like manner as any gas rates or rents, meter rents, or charges under this Act.

Debts to be paid.

13. Notwithstanding the dissolution, cancelling, and annulling aforesaid, all persons who immediately before the passing of this Act owed any money to the old Company, or to any person on their behalf, shall pay the same, with all interest (if any) due and payable or accruing for the same, to the Company; and all debts and moneys which immediately before the passing of this Act were due or owing or recoverable from the old Company, or for the payment of which they were, or but for this Act would be, liable, shall be paid, with all interest (if any) due or payable or accruing for the same, by or be recoverable from the Company.

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

14. 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 old 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 old 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 cases.

15. 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 unsatisfied 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.

Certificates of shares, &c. to continue in force.

16. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all certificates until cancelled under the powers of this Act, and all sales, transfers, and dispositions heretofore made or executed of or with respect to any shares in the old Company shall remain in

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full force and continue and be available in all respects as if such dissolution, cancellation, and annulling had not been effected by this Act.

Books, &c. continued evidence.

17. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all documents, books, and writings which, if the dissolution, cancellation, and annulling had not happened, would be receivable in evidence shall be admitted as evidence in all courts of law and elsewhere accordingly.

Officers, &c. of the existing Company to account.

18. All officers and persons who at the passing of this Act have in their possession or under their control any money, books, documents, papers, writings, or effects belonging to the old Company shall account for and deliver up the same to the Company, or to such persons as they appoint to receive the same, in like manner and subject to like regulations, pains, and penalties as if the officers or persons were appointed and became possessed of the same under this Act.

Officers, &c. to continue.

19. All officers and servants of the old Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, and be deemed to be the officers of or persons employed by the Company, at the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom, and they and their respective sureties shall be liable in all respects as if they respectively had been appointed and had become bound under this Act.

Trustees of old company to be indemnified.

20. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the old Company were vested immediately before the passing of this Act, and who (being duly authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise on behalf of the old Company, shall be indemnified and saved harmless out of the funds or property of the Company from and against all liability, loss, costs, charges, and expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such bond, covenant, contract, or engagement.

Capital.

21. The capital of the Company (subject to the future increase thereof under the authority of this Act) shall be the sum of twenty-five thousand pounds, and shall (subject to the provision herein-after contained as to the creation of half shares of five pounds each) consist of four thousand pounds, divided into four hundred shares of the value of ten pounds each, bearing a preferential dividend after the rate of four pounds per centum per annum, to be designated as A. shares, and twenty-one thousand pounds, divided into two thousand

one hundred shares of the value of ten pounds each, to be designated as B. shares.

Appropriation of capital.

22. So much of the said capital as is equal to the nominal value of all the shares allotted in the capital or joint stock of the existing Company, other than shares held singly, or odd shares remaining after dividing by two any odd number of shares held by the same person or persons, shall be appropriated and belong to and is hereby vested in the several persons and corporations who immediately before the passing of this Act were proprietors of or interested in the shares of the capital or joint stock of the existing Company (other than the shares so held singly, and excluding such odd shares as aforesaid), in proportion to their respective shares or interest at that time in the capital of the existing Company, and in substitution for such existing shares, and every share of the capital so appropriated shall be deemed fully paid up.

Power to create half shares for certain purposes.

23. The Company may and shall at the first ordinary general meeting of the proprietors of the Company held after the passing of this Act create such number of shares (to be called half shares) of five pounds each in the capital of the Company as shall be equal to the number of single shares in the capital or joint stock of the existing Company which shall at the time of the passing of this Act be held separately as aforesaid, and of the odd shares which will remain after deducting from the number of odd shares held by any proprietor or proprietors of the capital of the existing Company the number of shares exactly represented by shares of ten pounds each in the capital of the Company; and upon the creation of such half shares one of such half shares shall belong and be appropriated to and be vested in the proprietor or proprietors respectively of each such share held singly, and each such odd share as aforesaid, or his or their then legal representative or representatives: Provided always, that every two such half shares shall be deemed to represent and be in lieu of one of the shares of ten pounds each of which the capital of the Company is by this Act declared to consist, and all such half shares shall form part of the twenty-five thousand pounds of the capital of the Company by this Act created: Provided also, that if at any time after the creation of such half shares, two of such half shares shall become vested in the same person or persons or corporation, such two half shares shall immediately thereupon become ipso facto consolidated into one share of ten pounds, and shall for ever thereafter be dealt with accordingly.

Half shares to be numbered.

24. Such half shares shall be numbered in arithmetical progression, beginning with number one, and every such share shall be distinguished by its appropriate number, and after the consolida-

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tion of any half shares into shares of ten pounds each the last-mentioned shares shall be numbered in arithmetical progression next after the then existing shares of ten pounds each, and shall thenceforth be distinguished by their appropriate numbers.

As to the word "share" in incorporated Acts.

25. In construing in connexion with this Act the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," and of "The Companies Clauses Act, 1863," incorporated with this Act, the word "share" shall include "half share."

Shares and half shares in Company to be subject to same trusts as shares in existing Company.

26. Every share and half share by this Act appropriated as aforesaid shall be subject and liable to the same trusts, powers, provisoes, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the then share or shares in the existing Company for which the appropriated share or half share is substituted, and so as to give effect to and not to revoke any testamentary disposition of or affecting such existing share or shares.

Existing certificates to be cancelled.

27. The Company shall call in and cancel the existing certificates of shares in the old Company, and issue in lieu thereof certificates of the substituted shares and half shares in the form and under the conditions (so far as applicable thereto) prescribed by the Companies Clauses Consolidation Act, 1845; but the holders of any such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they 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 of the Company the loss or destruction thereof.

Power to raise additional capital.

28. In addition to the said capital of twenty-five thousand pounds the Company may from time to time raise by the creation and issue of new ordinary or new preference shares or stock in their capital, or, at the option of the Company, by any of those modes, such further sum or sums of money as they may think proper, not exceeding in the whole fifteen thousand pounds: Provided always, that no share to be so created shall be of less amount than ten pounds.

Limit of dividend on additional capital.

29. On the additional capital to be raised under the powers of this Act the Company shall not in any year make out of their profits any larger dividend than seven pounds in respect of every one hundred pounds actually paid of such capital on ordinary shares or stock, or six pounds in respect of every hundred pounds actually paid of such capital in preference shares or stock.

Shares not to be issued until one

30. The Company shall not issue any share or stock of the additional capital of fifteen thousand pounds by this Act authorised,

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

fifth part paid up.

31. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

32. Profits of the old Company by this Act vested in the Company shall for the purpose of dividends be deemed profits of the Company, and shall be applicable to dividend among the proprietors of the Company.

Profits of existing company to be applicable to dividends of Company.

33. 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.

Receipt of guardians, &c.

34. The Company may at any time after the passing of this Act borrow on mortgage any sum or sums not exceeding one thousand pounds, and the Company may after the whole of the original capital of twenty-five thousand pounds shall have been subscribed for, issued, and accepted, and from time to time, borrow on mortgage any sum or sums not exceeding (including the said sum of one thousand pounds and the sum of three thousand pounds already borrowed by the old Company) the sum of six thousand two hundred and fifty pounds, and the Company may also from time to time borrow on mortgage any further sum or sums not exceeding in the whole three thousand seven hundred and fifty pounds, and of that further sum they may borrow from time to time not exceeding two hundred and fifty pounds in respect of every thousand pounds of their further capital of fifteen thousand pounds by this Act authorised; but no part of any such sum of two hundred and fifty pounds shall be borrowed until the whole of the respective one thousand pounds of capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half thereof 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 the whole of the respective one thousand pounds of capital 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 or portion of stock in such one thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective one thousand pounds of capital was issued bonâ

Power to borrow.

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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 proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of receiver.

35. 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, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less in the whole than one thousand pounds.

Debenture stock.

36. The Company may create and issue debenture stock.

Application of moneys.

37. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the general purposes of this Act only.

Ordinary meetings.

38. The first ordinary general 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 month of March in every year, or at such other period or periods as the Company may from time to time determine.

Quorum of meetings.

39. The quorum to constitute a general meeting, whether ordinary or extraordinary, of the shareholders of the Company shall be ten shareholders, holding in the aggregate not less than one thousand pounds nominal value in the capital of the Company.

Extraordinary meetings may be convened by shareholders.

40. The number of shareholders who may convene extraordinary meetings of the Company shall be not less than twenty, holding in the aggregate not less than five thousand pounds nominal value in the capital of the Company.

Number of directors.

41. The number of directors shall be nine, but the Company may from time to time reduce the number, provided that the number be not less than five.

Qualification of directors.

42. The qualification of a director shall be the possession in his own right of not less than five shares in the capital of the Company.

Quorum of directors.

43. The quorum of a meeting of directors shall (unless and until the number of directors be reduced to five) be four, and if the number be reduced to five the quorum shall be three.

First directors.

44. The persons who at the time of the commencement of this Act were the directors of the old Company (namely), John Cole, John George Green, John Barnaby, William Hearn, Alfred Filmer, George Lockyer, James Urquhart, Henry George Clarkson, and

Samuel Lambert Townsend shall be the first directors of the Company, and shall continue in office and receive the salaries attached thereto until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being if qualified eligible for re-election; and at the first ordinary meeting in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the powers herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, in accordance with the provisions in the Companies Clauses Consolidation Act, 1845, contained; and the several persons elected at such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in the manner provided by that Act.

Election of directors.

45. The auditors need not hold shares or stock in the Company, and it shall not be necessary to elect more than one auditor.

Auditors.

46. The directors may, without the sanction of a general meeting, from time to time declare and pay to the shareholders in the interval between any two annual ordinary meetings a half-year's dividend out of the profits of the Company, but the directors shall not make any dividend whereby the capital of the Company will be diminished.

Directors may declare interim dividends.

47. 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 directors.

Contracts not to disqualify for office of director.

48. The Company may from time to time purchase by agreement and hold for any of the purposes of this Act any lands within the limits of this Act, not exceeding in the whole at any one time three acres, in addition to the lands in this Act described and vested in the Company.

Purchase of lands.

49. On the lands by this Act vested in the Company, and described in the schedule to this Act, the Company may maintain and from time to time alter, improve, enlarge, extend, or discontinue gasworks, houses, buildings, retorts, gasometers, gas holders, receivers, purifiers, meters, machinery, and other works and apparatus and conveniences, and may do all such acts as they think proper for the making and storing of gas, and for supplying gas within the limits of this Act, and for the manufacture, storing, and sale of coke, coal, tar, and other residual products obtained in the manufacture of gas, and matters producible therefrom.

Power to maintain and erect works, &c.

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Gas not to be manufactured except on lands of Company.

50. It shall not be lawful for the Company to manufacture gas, or such residual products as aforesaid, upon any lands other than those by this Act vested in the Company and described in the schedule 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, without the consent in writing of the owner, lessees, and occupiers of such dwelling-house.

Power to supply gas, &c.

51. Subject to the provisions of this and the incorporated Acts, the Company may make and supply gas within the limits of this Act, and may manufacture, sell, and dispose of coal, coke, tar, pitch, asphaltum, ammoniacal liquor, sulphate of ammonia, muriate of ammonia, chemicals, oils, and all other products, refuse, or residuum arising, remaining, produced by, or obtained from the manufacture of gas, or the materials used therein, and may convert the same into dye wares or other materials, and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid, and may (but only for the purposes of the Company within the limits of this Act, and not so as to acquire any exclusive right therein,) contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made, or hereafter to be made, granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture and distribution of gas, or the utilisation of the residual products arising from the manufacture of gas, or otherwise in relation thereto, and may also manufacture and sell, let, or deal in, and fit and put up, gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks, or with the supply of gas to the consumers thereof, in such manner as the Company may think proper, and generally may carry on the business usually carried on by gas companies, or which is or may become incident thereto: Provided that nothing in this Act shall exempt the Company from being proceeded against for any nuisance caused by them.

Power to lay pipes, &c. against buildings.

52. The Company with the consent of the owner and occupier of any building may lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, 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 of gas, and may from time to time with the like consent repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Consumers may be required to consume by meter, and power to Company to sell or let meters.

53. Every consumer of gas supplied by the Company shall, on being required by the Company so to do, consume such gas by meter, and all such meters shall be subject to and in accordance with the provisions of the Act for regulating meters used in sales of gas passed in the 22nd and 23rd years of the reign of Her present Majesty; but until a meter be examined and stamped under the provisions of the said Act it shall be and continue to be approved by the Company, and from time to time be examined and tested by them; and any meter may be provided, sold, or let to hire by the Company to the consumer on such terms as may be agreed on between the purchaser or hirer and the Company, and any sum payable therefor shall be recoverable in the same manner as the rents and sums due to the Company for gas.

Fraudulently injuring meters, &c.

54. Every person who shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any pipe, meter, or fittings belonging to the Company, or shall prevent any meter from duly registering the quantity of gas supplied, or shall alter the index of any meter, or in any way interfere with or hinder its just registration, shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds; and the existence of artificial means for causing such prevention, hinderance, or otherwise, shall, where such meter shall be under the custody or control of the consumer, be primâ facie evidence that the same has been knowingly and wilfully caused by the consumer using such meter, and in addition to the said penalty of five pounds the Company may recover the amount of any damage by them sustained.

Register of meter primâ facie evidence.

55. The register of the meter shall be primâ facie evidence of 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: Provided always, that if any meter becomes defective, or in case the Company have reason to believe that the quantity of gas appearing by the register to have been consumed is not the quantity actually consumed, the Company may charge and recover in respect of the quantity actually consumed, and if the Company and the customer differ as to the quantity, such difference shall be determined upon the application of either party by two justices, who may also order and direct by which of the parties the costs of and relating to the proceedings before them shall be paid.

Power to remove meters and fittings.

56. The Company, after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if there is no occupier, then to the owner or lessee of any building or lands in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in

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which the supply of gas is from any cause other than the default of the Company discontinued, may enter such building or lands between the hours of nine in the morning and four in the afternoon (or at any other time with the authority in writing of a justice) for the purpose of removing, and may remove, every such pipe, meter, and fitting, repairing all damages 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 business in England, or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Notice to Company of putting up meters, &c.

57. Before any person connects or disconnects any meter through which any of the gas of the Company is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so; and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

58. Every consumer of gas of the Company shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the Company is registered in proper order for correctly registering such gas, in default whereof the Company may cease to supply gas through such meters, and the Company shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

Company, on request of owners, &c. to supply gas.

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

First, that the owner or occupier making such request do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the Company is placed:

Secondly, that such owner or occupier do, if required by the Company, pay in advance the estimated amount of such cost and expenses; and any dispute as to any matter arising under the present section shall be settled by arbitration in manner provided by the Companies Clauses Consolidation Act, 1845, respecting matters thereby directed to be settled by arbitration.

Company may require security for payment of gas rates.

60. Any person having or requesting to have a supply of gas from the Company shall, if and when so required in writing by or on behalf of the Company, and before he is entitled to have service pipes and a meter provided and fixed, or to have a supply of gas, give to the Company such security for the payment of the estimated rate for the gas to be supplied to him during a winter quarter, and as he and the Company may agree, 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 them such security for seven days after the same shall have been demanded by the Company.

In case of difference security to be determined by a justice.

61. 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 any other security which the justice thinks sufficient and reasonable, and the determination of the justice shall be binding on all parties.

Local authorities may provide their own lamps, &c. or contract with Company.

62. Any corporation, or any local board of health, or other local authority within the limits of this Act, may, at their own expense, provide their own lamps and lamp posts, burners, regulators, brackets, pipes, stopcocks, and irons required for the same, and may light and extinguish the lamps and keep the same in good repair and condition, or otherwise may contract with the Company or any other person for providing, painting, and keeping in repair the lamps, lamp posts, burners, regulators, brackets, pipes, stopcocks, and irons, and for lighting and extinguishing the lamps, or for any of those purposes.

Company to lay mains, &c. when required by Sheerness local board.

63. The Company shall at their own expense, upon the request in writing of the local board of health for the district of Sheerness (herein called the Sheerness local board), provide, lay down, fix, maintain, and keep in repair all such mains, pipes, and other works as the local board shall deem necessary for the proper lighting of all such streets as are mentioned in such request, provided the lamps to be supplied shall be fixed at not exceeding the distance of sixty yards along the course of any such main so required to be laid down in any street for conveying gas to the public lamps in such street.

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Mode of consuming gas supplied to public lamps.

64. The gas supplied to the public lamps within the Sheerness local board district shall be consumed either by meter or otherwise at the option of the local board, and in case of its being consumed by meter shall be provided and fixed by the Company at the joint expense of the local board and the Company, but neither party shall, except as herein-after provided, be entitled to require that a meter be affixed to more than one in every ten lamps then supplied with gas by the Company; 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 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.

As to meters for public lamps.

65. The average amount of the indications of all the meters attached to the public lamps under the control of the Sheerness local board shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

Gas supplied to public lamps without obstruction.

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

Company, if required, to light, &c. public lamps.

67. The Company shall when required, and at the expense of any local board of health or other local authority within the limits of this Act, light, extinguish, and keep clean the public lamps from time to time required by the local board or other authority to be lighted, and upon such terms and conditions as to the expense to be charged for the same, and otherwise, as shall from time to time be agreed upon between the Corporation or other authority and the Company, or in default of agreement as shall be settled by the justices or by arbitration, as provided by this Act.

Supply of gas to public lamps.

68. The Company shall and they are hereby required from time to time, and at such times as they may be called on so to do by any local board, or other local authority within the meaning of this Act, charged with the lighting of any street or place within the limits of this Act, supply gas to all public lamps or burners within a distance of sixty feet from any of the mains of the Company, and that may be required for lighting any street or place within the

limits of this Act, for such price and upon such terms and during such hours as shall be settled by agreement between the Company and local board or other local authority charged as aforesaid with the lighting of any such street or place; and in case any dispute shall arise between such parties on any of such matters the same shall be settled by arbitration under the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration; provided that the gas supplied to the said public lamps or burners within the district shall and may be consumed either by meter or otherwise, at the option of the local board or local authority: Provided also, that upon any and every arbitration as to the price of gas to be supplied to the said public lamps or burners within the district aforesaid, whether in conjunction or not with any other of the matters aforesaid, and whether the gas so supplied shall or shall not be consumed by meter, the arbitrators or umpire shall and they and he are and is hereby required to ascertain or estimate as near as may be the quantity of gas consumed, or to be or likely to be consumed, by the said public lamps or burners within the district aforesaid during the period to which such arbitration shall from time to time refer; and such arbitrators or umpire shall not fix or charge a higher price, reckoning by the one thousand cubic feet, for the quantity of gas so to be ascertained or estimated as aforesaid than the lowest, reckoning by the one thousand cubic feet, which at the time of or at any time during three months next before the said arbitration shall be or shall have been charged by the Company to any private consumer within the district aforesaid.

Contracts for supplying gas for public purposes.

69. The Company on the one hand, and the local board of health or local board, or the trustees of any turnpike or other road, or any highway board constituted in pursuance of any Act relating to highways in England, or the surveyors of any highway, or any other corporations, bodies, or persons, on the other hand, may from time to time enter into and carry into effect any contract or arrangement for the supply of the gas by the Company for public purposes within the limits of this Act for any period not exceeding under any one such contract or arrangement seven years, and may from time to time by mutual consent vary, suspend, or rescind any such contract or arrangement, or enter into or carry into effect other contracts or arrangements in lieu thereof or in addition thereto; and any board, trustees, corporations, bodies, or persons so agreeing may apply for any purposes of any such contract or arrangement, and in payment of any periodical or other remuneration or other consideration payable to the Company under or by virtue thereof, any funds or moneys which they have raised or may raise under the powers of any Act of Parliament, and which may not be required for the

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specific or particular purpose (if any) to which by the Act authorising the raising thereof such funds or moneys as may exclusively be applicable.

Incoming tenant not liable for arrears of gas rents.

70. In case any customer leaves the premises where gas was supplied to him without paying the Company the gas 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 customer to pay the arrears.

For preventing waste of gas.

71. If and whenever any person supplied with gas under this Act wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, or undue consumption of gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and may cease to supply him with gas so long as the cause of injury remains or is not remedied; and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by them by reason thereof, and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Notices to Company to be in writing, &c.

72. No notice to the Company to discontinue the use of any gas supplied by them shall be of any effect unless such notice shall be in writing, and shall be left at the principal office for the time being of the Company.

Recovery of gas rate, &c. in superior courts,

73. In addition to the power given by the Gasworks Clauses Act, 1847, and the other remedies of the Company in this behalf, the Company may recover any rate for gas, or the price or rent of any pipe, burner, meter, lamps, or fittings supplied, sold, or let on hire by the Company, together with the expense of cutting off the service pipe or gas, by action in any court of competent jurisdiction, although the demand in respect thereof may be less than twenty pounds.

and before justices.

74. All sums of money due to the Company for the supply of gas or for the hire or fixing of meters or fittings, and all damages, costs, and expenses by this Act or any Act incorporated herewith directed to be paid, and the amount of which shall not be bonâ fide disputed, may (the party in default being first duly summoned) be levied by distress, and any justice on application may issue his warrant accordingly, and the remedies of the Company under this section shall be in addition to their other remedies for the recovery of such sums.

For preventing injury to public lights, &c.

75. Every person who shall light or extinguish any public light without authority, or wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any street or other lamp, lamp post, lamp fitting, or any pipe, whether main, service, or any other pipe, or any meter or fitting belonging to the Company, shall for each such offence forfeit to the Company any sum not exceeding five pounds, in addition to the amount of the damage done.

Quality of gas.

76. All the gas supplied by the Company shall be of such quality as to produce from an argand burner known as Suggs' new London or other approved burner, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Testing place and apparatus to be provided.

77. The Company shall within twelve months after the passing of this Act cause to be erected at their works a testing place, with apparatus therein so situated and so arranged as to test the illuminating power of gas supplied to the customers, and shall at all times keep and maintain the testing place and apparatus in good repair and working order, and if and when necessary renew the same.

Power to local authority to test.

78. The Corporation of Queenborough, the local board of health for the district of Sheerness, or any person authorised by them respectively in writing, or other local authority, shall at all reasonable times in the daytime have access to the testing place, and may test there the illuminating power of the gas supplied by the Company in the presence of an officer of the Company, if attending for that purpose, and if not, then in the absence of any such officer, and the Company and their officers shall afford all reasonable facilities and assistance for such testing; and if any officer of the Company, on being thereunto reasonably requested, wilfully obstructs such testing, or fails to afford such facilities and assistance, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

As to testing quality of gas.

79. It shall be lawful for two justices on the application of the local board or other local authority, or of any consumers of the gas of the Company, not being less than five in number, by order in writing to appoint some competent person to proceed to the works of the Company, and the person so appointed may, at any reasonable time in the daytime, on producing the said order, enter on the premises of the Company and the testing place provided by them, and in the presence of the superintendent or other officer of the Company make experiment of the illuminating power of the gas by means of the apparatus before mentioned, and the Company and

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their officers shall afford all reasonable facilities and assistance for the making of such experiment.

Penalty for deficiency of illuminating power and for obstructing officers in testing gas.

80. If it shall be proved to the satisfaction of any two justices, not being shareholders of the Company, after hearing the parties, that the illuminating power of the gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the Company or their officers, on being thereunto reasonably requested, wilfully refused to afford such reasonable facilities as aforesaid, or wilfully 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 under the circumstances of the case, to be paid to the local board or other local authority or to the consumers making the application.

Costs of experiment.

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

Penalties not cumulative.

82. 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.

Price of gas.

83. The maximum price at which gas shall be sold by the Company to all persons who shall burn the same by meter within the present limits of the Company shall not exceed four shillings and sixpence per thousand cubic feet, and within the extended limits by this Act authorised shall not exceed seven shillings and sixpence per thousand cubic feet, and so in proportion for any smaller quantity within the limits of this Act.

Same charge to be made throughout present limits.

84. The Company shall charge throughout the present limits one uniform charge to private consumers.

Price of gas supplied to public lamps in district of Sheerness.

85. The price to be charged by the Company, and to be paid to them by the Sheerness local board for all gas so supplied to or for any public lamps within their district, shall never exceed the lowest price for the time being charged by the Company to any private consumer or consumers of gas, otherwise than by special contract in writing in the district supplied by the Company.

Copy of annual account and

86. The Company shall (under the penalty of ten pounds for each default) on or before the thirty-first day of March in each

year furnish to the local board a copy of the account and balance sheet which, under clause 38 of the Gasworks Clauses Act, 1847, they are required to transmit to the clerk of the peace.

balance sheet to be sent to local board.

87. A justice or a judge of any court shall not (except as in this Act expressly provided) be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, meter rent, rate, or charge under this Act, or of his being a shareholder in the Company.

Liability to gas rent not to disqualify justices.

88. Any 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.

Contents of summons, &c.

89. 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 the recovery of the money to be levied shall be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Costs of distress.

90. Nothing in this Act contained shall extend or be deemed or construed to extend to prejudice or diminish, alter, or in any manner interfere with the rights, powers, privileges, or authority of any local board of health within the limits of this Act, except so far as the same may be inconsistent with the provisions of this Act or the Acts incorporated herewith, or which are expressly varied or altered by such Acts, or any or either of them.

Saving of rights.

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

Expenses of Act.

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SCHEDULE referred to in the foregoing Act.

A piece of land, part of an estate called Digg's estate, situate in the parish of Minster in the said Isle of Sheppy, containing on the front or east side thereof, abutting on a certain road called Montague Road, West Minster, as well as on the rear or west side thereof, abutting on the sea wall of the river Medway, 295 feet or thereabouts, and in depth from east to west, as well on the north as on the south end thereof, 175 feet or thereabouts, and upon which land the works of the Company are now situate.

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