CHAP. clx.

An Act for incorporating and granting further powers to the Todmorden Gas Company. [24th July 1871.] A.D. 1871.

WHEREAS in the year one thousand eight hundred and forty-eight certain persons formed themselves into a company, under the name of "the Todmorden Gas Company," for the purpose of making and vending in the town and neighbourhood of Todmorden, situate partly in the parish of Rochdale in the county of Lancaster, and partly in the parish of Halifax in the west riding of the county of York, gas and coke, and such other matters arising from or which might be obtained in the making of gas, and for the purpose of carrying on all such business as is usually carried on by a gas and coke company:

And whereas the affairs of the said Company are now regulated by a deed of settlement, bearing date the eighth day of August one thousand eight hundred and forty-eight, by which it was provided that the capital of the said Company should be six thousand pounds, divided into one thousand two hundred shares of five pounds each, and that such capital might from time to time be increased as therein provided:

And whereas on the fourteenth day of September one thousand eight hundred and forty-eight the said Company was completely registered under the Act 7th and 8th Vict., cap. 110, and on the thirtieth day of October one thousand eight hundred and fifty-six was further duly registered under "The Joint Stock Companies Act, 1856," as a limited company:

And whereas the capital of the said Company, which has from time to time been increased, now consists of twenty thousand pounds, divided into four thousand shares of five pounds each, and three thousand seven hundred and seventy-five of such shares have been issued and paid up:

And whereas the Company have borrowed the sum of seven thousand nine hundred pounds:

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And whereas the said Company have purchased a certain piece or parcel of freehold land or ground in the township of Stansfield, in the said parish of Halifax, which said piece or parcel of land is more particularly described in the Schedule A. to this Act, and thereon constructed and erected gasometers, gasholders, and other buildings for the manufacture and storage of gas, and other the purposes of the said Company, and have acquired for a term of nine hundred and ninety-nine years another piece or parcel of land in the township of Stansfield aforesaid (which land is more particularly described in the Schedule B. to this Act), and thereon constructed and erected gasometers, gasholders, and other works for the storage of gas, and other purposes of the Company, and the said Company have also acquired for a term of years a certain other piece or parcel of land situate in the said township of Stansfield, adjoining to the last-mentioned land (which land is more particularly described in the Schedule C. to this Act), and thereon have constructed gasholders and other conveniencies for the storage of gas, and the said Company have also laid down in the roads, streets, thoroughfares, and other places within their district mains and other pipes to enable them to supply gas, and to carry on other business of a gas company:

And whereas the town of Todmorden and the surrounding districts have a large and increasing manufacturing and other population, which to a great extent is now supplied by the said Company, and the demand for gas is greatly increasing, and in order to meet such demand the works, mains, and pipes of the said Company require to be enlarged and extended:

And whereas, for the purposes aforesaid, additional capital will be required by the said Company, and it is expedient that they should be dissolved and re-incorporated, and that their capital should be increased, and that the other powers herein-after contained should be conferred upon them:

And whereas the several objects 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. In citing this Act for any purpose whatsoever it shall be sufficient to use the expression "The Todmorden Gas Act, 1871."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," (except Part IV.,) "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act (Amendment Act),

1860," (except the provisions thereof with respect to the purchase of lands otherwise than by agreement,) and "The Gasworks Clauses Act, 1847," shall (except where expressly varied by this Act) be incorporated with and form part of this Act.

Interpretation of terms.

3. In construing the incorporated Acts respectively for the purposes of this Act, and in construing this Act, the words and expressions herein mentioned or referred to shall have the meanings herein assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the old Company" shall mean the company or copartnership as constituted and existing immediately before the passing of this Act:

The expression "the Company," "the promoters of the undertaking," and "the undertakers," shall respectively mean the Company incorporated by this Act:

The expression the "special Act" shall mean this Act:

The expressions "the works," the "gasworks," and the "undertaking," shall respectively mean and include the gasworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company, and the estate, right, title, property, privileges, and effects of the Company:

The expressions "superior court" and "court of competent jurisdiction," and any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute:

Other expressions and words to which in the incorporated Acts meanings are assigned shall respectively have the same meanings in this Act.

10 & 11 Vict. c. 15. to apply to existing works.

4. "The Gasworks Clauses Act, 1847," shall be held applicable as well to the mains, pipes, and works of the old Company already laid down and constructed and vested in the Company by this Act, as to the mains, pipes, and works to be hereafter laid down and constructed by the Company.

Limits of Act.

5. The limits of this Act for the supply of gas shall be and include the following townships, parts of townships, and places; that is to say, the township of Langfield, and so much of the township of Stansfield and Erringden, in the parish of Halifax in the west riding of the county of York, as are not comprised within the limits of supply of the Hebden Bridge Gas Company as defined by "The Hebden Bridge Gas Act, 1870," and the township of Todmorden

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and Walsden in the parish of Rochdale in the county of Lancaster, which limits are more particularly described and shown by a line coloured red upon a certain map or plan authenticated by the signature of the Right Honourable the Earl of Devon, chairman of the Committee of the House of Lords, to whom the Bill was referred and lodged in the Private Bill Office of the House of Lords, a copy whereof shall, within one month after the passing of this Act, be deposited with the clerk of the peace for the west riding of the county of York.

Incorporation of Company.

6. From and after the passing of this Act the old Company shall be dissolved and cease to exist, and the several persons and corporations who immediately before the passing of this Act were proprietors of shares in that Company, and all other persons and corporations who have subscribed or who shall hereafter subscribe to the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purposes herein-after mentioned, and shall be incorporated by the name of "the Todmorden Gas Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued at law and in equity, and shall have power from time to time to purchase, take on lease, or rent, and hold and sell lands for the purposes of the said undertaking, subject to the restrictions and provisions herein and in the said incorporated Acts contained.

General purposes of the Company.

7. Subject to the provisions of this Act and the Acts incoporated therewith, the Company may make and supply gas produced from coal or other material, and supply and light with gas so produced the several townships and places within the limits of this Act, and may make, convert, manufacture, sell, and dispose of coke, coal tar, pitch, asphaltum, ammoniacal liquor, oil, and other products, refuse, or residuum or other material arising, remaining, or produced by or from the manufacture of gas or the materials used therein, and deal in the same, and also manufacture and sell, let, or deal in 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.

Gasworks and property vested in Company incorporated by this Act.

8. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the old Company, or any person in trust for them or on their behalf, or to which the old Company were in anywise entitled, either at law or in equity, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp posts, syphons, apparatus, stock, effects, and things whatsoever 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 belonged to the old Company, and all moneys, securities, credits, effects, and other property whatsoever which immediately before the passing of this Act belonged to the old Company, or to any trustees or other persons on their behalf, and the benefit of all contracts, agreements, and engagements entered into with and on behalf of the old Company, and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the old Company, or any trustees or other persons on their behalf, and may, subject to the provisions of this Act, be held, used, occupied, and enjoyed, sued for, recovered, received, and taken, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Deed of settlement to be void without prejudice to remedies for antecedent breaches thereof.

9. Subject to the provisions of this Act, the existing deed of settlement, and all resolutions of the Company altering, amending, or extending the same, shall, as to any future or prospective operation thereof, from and after the passing of this Act be wholly void and of non-effect, and the Company shall be exempted from all the provisions, restrictions, and requirements of any Act concerning joint stock companies which applied to the old Company, and the several persons who shall have executed such deed, or other deed accessory thereto, and their heirs, executors, and administrators, shall, immediately from and after the passing of this Act, stand and be by virtue thereof released and discharged from any future obligation to observe, perform, abide by, fulfil, or conform to the said deed of settlement, or the covenants or agreements therein contained, or any of the resolutions altering or amending the same: Provided always, that nothing herein contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said deed of settlement or resolutions incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue and may be enforced by or on behalf of the Company, as nearly as may be, in like manner as the same might have been enforced by or on behalf of the old Company if this Act had not been passed.

Company may waive antecedent breaches or not at their discretion.

10. Provided always, that the Company may waive or dispense with the enforcement of or compliance with the provisions of the said deed of settlement or resolutions in respect of any act, default, matter, or thing which prior to the date of the passing of this Act

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shall have been done, made, executed, committed or omitted in breach of the provisions of the said deed or resolutions, or any or either of such provisions.

Nothing to affect previous rights and liabilities.

11. Notwithstanding the incorporation of the Company, and the avoidance of the said deed of settlement and resolutions, and 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 old Company, or the shareholders therein in that capacity, shall be as valid as if the Company had not been incorporated, and the said deed and resolutions had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated, and the said deed and resolutions were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, and with respect to all such rights, liabilities, claims, and demands the Company shall to all intents and purposes represent the old Company, and the shareholders therein in their capacity of shareholders: Provided always, that the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

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

Actions, &c. not to abate.

13. 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 old Company, or any member or shareholder thereof in relation to the affairs of the old Company, or to which the old Company, or any member or shareholder thereof in relation to such affairs were parties immediately before the passing of this Act, but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by, or in favour of, or against the Company, as the case may be, in the same manner and as effectually and advantageously as the same might have been

maintained, prosecuted, or continued by, or in favour of, or against the old Company, or any member or shareholder thereof, if this Act had not been passed, the Company being in reference to the matters aforesaid in all respects substituted for the old Company.

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

14. If any judgment, decree, or order shall at any time after the passing of this Act be obtained against the Company in respect of any debt or liability owing or incurred by the old Company at the time of the passing of this Act, and such judgment, decree, or order shall not, after due diligence for that purpose has been used, be fully satisfied out of the property and effects of the Company, then and in every such case such judgment, decree, or order may be enforced and execution thereon issued against the person, property, and effects of any person who shall have been a shareholder of the old Company at the time of the passing of this Act, or who shall have been a shareholder in the said Company at the time at which the contract shall have been made or tort committed in respect of which such debt or liability shall have accrued or have been incurred, and who shall be legally responsible in respect of such debt or liability, in the same manner in all respects as if this Act had not been passed.

Reimbursement of shareholders in such case.

15. Every person against whom or against whose property or effects execution upon any such judgment, decree, or order as aforesaid shall have been enforced shall be entitled to recover against the Company all loss, damages, costs, and charges which such person may have incurred by reason of such execution, and shall be entitled to contribution for so much of such loss, damages, costs, and charges as shall remain unsatisfied from the several other persons against whom execution upon such judgment, decree, or order obtained against the Company might also have been enforced under the preceding section, and such contribution may be recovered from such persons as aforesaid in like manner as contribution in ordinary cases of partnership.

Trustees of old Company to be indemnified.

16. 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, bill, promissory note, guarantee, contract, or engagement in respect of the same, or otherwise in behalf of the old Company, shall be indemnified and saved harmless out of the funds or property of the Company from and against all the 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, bill, promissory note, guarantee, contract, or engagement.

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Provisions in favour of old Company to be enforced notwithstanding re-incorporation.

17. All powers, provisions, matters, and things reserved, contained, or granted in or by any Act of Parliament to or for the benefit of the old Company, and not since repealed, shall, notwithstanding the re-incorporation of the said Company by this Act, be of the like force, operation, and effect, and shall attach to and be exercised and enforced by the Company incorporated by this Act, in as full and effectual a manner to all intents and purposes whatsoever as if the same had in and by such Act of Parliament as aforesaid been expressly reserved, contained, or granted to or in favour of the Company incorporated by this Act.

Company to satisfy liabilities of old Company.

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

Rates and rents now payable to continue till altered.

19. All gas rates, rents, charges, and sums of money due to the old Company, and which at the time of the passing of this Act were due or accruing due and payable, or if this Act had not passed would have accrued due and become payable, shall be payable under this Act, and shall continue to be so payable until the same shall be increased or reduced under the authority of this Act, and may be collected and recovered by the Company by such means and under such restrictions and regulations as any rents or charges to be received or demanded by the Company in pursuance of this Act may be collected or recovered.

As to payment of debts owing to old Company.

20. 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, payable, or accruing upon 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 the old 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.

Certificates, &c. to remain in force.

21. All certificates (until cancelled under the powers of this Act), and all sales, transfers, and dispositions made or executed before the passing of this Act with respect to any shares in the old Company shall remain in full force, and continue and be available in all respects as if this Act had not passed.

Officers to continue until removed.

22. All officers, servants, and persons appointed by the old 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 or by virtue of this Act.

Present register of shareholders to be continued.

23. The book kept by the old Company for entering the names and designations of the shareholders, with the number of their shares, and the numbers by which such shares are distinguished, shall be kept by the Company until a register of holders of stock shall be provided by the Company, as required by "The Companies Clauses Consolidation Act, 1845."

Capital.

24. The capital of the Company shall be forty thousand pounds, and shall consist of stock to the amount of eighteen thousand eight hundred and eighty pounds, to be deemed fully paid up, and of two thousand one hundred and twelve shares of ten pounds each.

Stock vested in shareholders of old Company.

25. The said sum of eighteen thousand eight hundred and eighty pounds stock is by this Act vested in the several persons who immediately before the passing of this Act were the holders of the capital of the old Company in proportion to their respective holdings in and the sums which they have respectively paid up towards that capital.

Holders of stock to be subject to the same trusts as holders of shares in old Company.

26. All persons to and in whom any capital stock of the Company's capital is by this Act appropriated and vested shall be possessed of and interested in the stock so appropriated and vested upon the same trusts, and subject to the same powers, provisions, charges, and liabilities as the trusts, powers, provisions, charges, and liabilities upon and to which their respective shares in the capital of the old Company, in respect whereof the stock of the Company's capital is so appropriated and vested, were immediately before the passing of this Act held and subject, and the several portions of stock so appropriated and vested shall accordingly pass so as to give effect to and not revoke any will or other testamentary instrument disposing of or affecting those respective shares of the capital of the old Company.

Company to issue certificates of stock so vested.

27. The Company from time to time, when thereunto requested, shall issue to the respective holders of the several portions of stock by this Act appropriated to and vested in the shareholders of the

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old Company certificates of the stock so appropriated and vested, and in the meantime the certificates of the shares of the capital of the old Company in respect of which the said portions of stock are so appropriated and vested shall be available for evidencing the ownership of those portions of stock respectively: Provided always, that the Company shall not be bound to issue any such certificates of stock unless or until the certificate or certificates of the shares of the capital of the existing Company, in respect of which the stock is appropriated and vested, has or have been delivered up to the Company to be cancelled, or it has been proved to the satisfaction of the directors of the Company that such share certificate or certificates has or have been lost or destroyed.

Rights of stockholders.

28. The several holders of capital stock of the Company shall be entitled to participate in the dividends and profits of the Company, and to the same privileges and advantages for the purpose of voting at meetings of the Company, qualification for the office of directors, and for other purposes, as if the stock had been formed by the conversion or consolidation into stock of fully paid-up shares of the capital of the Company.

New shares.

29. The Company may from time to time raise, by the issue of new ordinary shares, or by the issue of preference shares, any further sum or sums of money not exceeding in the whole the sum of twenty-one thousand one hundred and twenty pounds.

Limit of dividend on part of capital.

30. The Company shall not in any year make out of their profits any larger dividend on the share capital of twenty-one thousand one hundred and twenty pounds to be raised under the power of this Act than seven pounds in respect of every one hundred pounds actually paid of such capital on ordinary shares, or six pounds in respect of every one hundred pounds actually paid up of such capital on preference shares.

Shares not to issue until one-fifth paid up.

31. It shall not be lawful for the Company to issue any such new 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.

Calls on new shares.

32. Twenty per centum on the nominal amount of a share shall be the greatest amount of any one call which the directors may make on or in respect of any shares to be issued by virtue of this Act, and three months at the least shall be the interval between successive calls.

Sale and distribution of new shares.

33. The whole or any number or amount of shares issued after the passing of this Act may be sold by public auction in such manner, in such numbers and amount, and at such times, and

subject to such conditions, as the directors may from time to time think fit, and the intention to sell any such shares by auction shall be advertised for two successive weeks in some newspaper published in the county of York, or in the county of Lancaster, and the whole, or any portion of such shares which shall not be so sold, shall be distributed in such manner, and subject to the provisions of this Act, upon such terms as a general meeting of the Company shall direct, and any sum of money arising by way of premium from any such sale or disposition shall be considered as capital of the Company.

Interest on unpaid calls.

34. If before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at any rate fixed by the directors from the day so appointed to the time of actual payment.

Receipts on behalf of incapacitated persons.

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

Power to borrow on mortgage.

36. The Company may from time to time, after the passing of this Act, so soon as the said sum of seven thousand nine hundred pounds borrowed shall have been paid off, borrow on mortgage any sum not exceeding in the whole five thousand pounds, and may also from time to time borrow on mortgage any further sum not exceeding in the whole five thousand pounds, but no part of that further sum shall be borrowed until the whole share capital of twenty-one thousand one hundred and twenty pounds by this Act authorised is subscribed for, issued, and accepted, and one half of that share capital be 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 such share 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 in such capital 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 proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appoint-

37. Mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mort-

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ment of a receiver.

gages 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 than one thousand pounds in the whole.

Debenture stock.

38. The Company may create and issue debenture stock at any rate of interest not exceeding the rate of five pounds per centum per annum.

Application of moneys.

39. All moneys raised under this Act by the Company, whether by shares or by debenture stock, or by borrowing, shall be applied only to the purposes by this Act authorised.

First and other meetings.

40. The first ordinary meeting of the Company shall be held within three months next after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the month of May in every year.

Quorum of general meetings.

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

Scale of voting.

42. Every proprietor of stock or shares in the undertaking shall have votes at all meetings of the Company according to the following scale, namely, one vote for every sum of ten pounds fully paid up in the capital of the Company held by him.

Number and qualification of directors.

43. The number of directors shall be fifteen, and the qualification of a director shall be the possession in his own right of stock in the undertaking to the registered value of fifty pounds.

Power to reduce the number of directors.

44. It shall be lawful for the Company from time to time to reduce the number of directors, provided that the reduced number be not less than six.

First directors.

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

Directors to continue in office until first meeting.

46. The first directors shall continue in office until the first ordinary meeting to be held in the year one thousand eight hundred and seventy-two, and at such meeting the shareholders present personally or by proxy may continue in office the first directors appointed by this Act, or any number of them, or may elect any new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being eligible for re-election.

Quorum.

47. The quorum of a meeting of directors shall be four, but if the number of directors be reduced to six, such quorum shall be three.

Committees of directors.

48. The number of directors of which committees appointed by the directors shall consist shall be not less than three, and the quorum of such committee shall be left to the discretion of the directors.

Remuneration of directors and auditors.

49. The remuneration of the directors and auditors shall from time to time be fixed by a general meeting of the Company, and shall be paid out of the rents, rates, or sums receivable under this Act.

Powers as to construction and maintenance of gasworks, &c.

50. Subject to the provisions of this Act, the Company may from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue their existing gasworks, retorts, gasometers, receivers, machinery, and other works for the manufacture and storing of gas upon the lands described in the Schedules A., B., and C. to this Act, and may do all such acts as they think proper for making and storing gas on such lands, and for supplying gas within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, coal tar, pitch, asphaltum, ammoniacal liquor, oil, and all 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 may from time to time think fit: Provided always, that the Company shall not manufacture or store gas except upon the lands described in the said Schedules A., B., and C.: Provided also, that nothing in this Act contained shall exempt the Company from being liable to be proceeded against for any nuisance.

Power to purchase lands by agreement.

51. The Company may, for the purposes of their undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the Schedules A., B., and C., to this Act, any lands and hereditaments, not exceeding in the whole five acres, which the Company may from time to time require for the purposes of laying and maintaining pipes and mains and other works, but no lands shall be used by them for the purpose of manufacture or storing of gas except the said lands described in Schedules A., B., and C. to this Act.

Company may take licenses to use patents for improvements in gas.

52. It shall be lawful for the Company to take and hold any license or authority under letters patent to use any invention relative to the manufacture or distribution of gas, or the utilization of the residual products arising in the manufacture of gas: Provided

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always, that the Company shall not be the exclusive holders of patent rights, but shall hold patent rights only under license from or under the patentees.

Company to maintain pipes, &c.

53. The Company may maintain and continue all mains, pipes, and other works and apparatus already laid down or constructed by them for the purpose of conveying gas within the limits of this Act, and may repair and renew the same from time to time, and may lay down and maintain, and from time to time repair and renew, such other mains, pipes, and apparatus as may be necessary for the purposes aforesaid, and may convey and supply gas by means of such mains, pipes, and apparatus accordingly.

Certain provisions of 10 & 11 Vict. c. 16. to extend to turnpike roads, bridges, &c.

54. The clauses and provisions of "The Gasworks Clauses Act, 1847," with respect to the breaking up of streets and bridges for the purpose of laying pipes, shall extend and apply to the opening and breaking up by the Company of any turnpike roads, or other roads or footpaths used by the public as highways, and to public bridges, or bridges used by the public on payment of tolls, within the limits of this Act, and also to the laying down and placing of pipes, mains, and other works in and under the said roads and bridges respectively.

For protection of the Rochdale Canal.

55. Notwithstanding anything in this Act or in the Acts wholly or partially incorporated with this Act, the Company shall not, in laying or carrying any of their mains or pipes over or along any of the bridges crossing the Rochdale Canal, break into or otherwise injure the masonry of any of such bridges, except by properly fixing, in a workmanlike manner, by means of staples or otherwise (at the sight and to the reasonable satisfaction of an engineer or other person to be appointed for that purpose by the Company of Proprietors of the Rochdale Canal after notice to them by the Company), such mains or pipes, if the same be carried outside the parapet of such bridges, nor diminish the clear way beneath such bridges, without the previous consent in writing of the Company of Proprietors of the Rochdale Canal under their common seal, nor shall the Company without such previous consent enter upon or in any manner interfere with the waterway, banks, or towing-paths of the said canal, or lay or carry any of their mains or pipes along or across the same, or along or across any other property of the said Company of Proprietors, excepting over or along the said bridges as aforesaid; and it shall be lawful for the said Company of Proprietors at any time or times to remove, alter, or renew any of such bridges over or along which any of the mains or pipes of the Company may be laid or carried in the same manner as they might have removed, altered, or renewed the same if this Act had not been passed, and such pipes

had not been laid or carried over or along the same, without making any compensation to the Company for any expense to which the Company may be put in relaying any of such mains and pipes in consequence of such removal, alteration, or renewal.

For protection of owners of gasworks within the district of Cornholme Local Board.

56. Notwithstanding anything in this Act contained, the Company shall not supply or sell gas, or construct any works for the manufacture or supply of gas, or residual products, within the limits of the district of the local board of Cornholme, in the said townships of Todmorden and Walsden and Stansfield, without the written consent of the owners for the time being of the gasworks situate within the said district, and now belonging or reputed to belong to Messrs. Joshua Henry Wilson, James Wilson, and Lawrence Wilson, first had and obtained.

For protection of the works of Messrs. Fielden, Brothers.

57. And whereas many years prior to the establishment of the Company parts of Todmorden were supplied with gas by means of works now the property of Messrs. Fielden, Brothers, which works were originally constructed for the supply of gas to the manufactory and works of the said Messrs. Fielden at Todmorden, but have since been extended, and thereby many mills, houses, and other buildings and premises in Todmorden and the neighbourhood, within the limits of the Act, are now supplied with gas, and, with the consent of the Todmorden Local Board of Health, or other the persons having the control and management of the public streets and roads within the limits aforesaid, gas mains have been laid in and under such streets and roads with a view of affording such supply: And whereas it is expedient that the supply of gas by the said Messrs. Fielden, in Todmorden and the neighbourhood, should not be interfered with: Therefore, in the exercise of the powers by this Act conferred, the Company shall not alter, remove, or in anywise directly or indirectly interfere with the supply of gas by the said Messrs. Fielden, or with any of their mains and other pipes and works, or with the maintenance, repair, or renewal by the said Messrs. Fielden of any of such mains, pipes, or works.

Power to lay pipes against buildings.

58. 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, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

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Power to contract with public bodies.

59. The Company may from time to time enter into and carry into effect all such contracts with local boards, commissioners, companies, and other public bodies, trustees, and persons with respect to the supply of gas, gas fittings, or meters by the Company, and on such terms and conditions as they think fit.

Power for local board to provide lamp posts.

60. Any local board, commissioners, lighting inspectors, and other public bodies with whom such contract may be entered into may provide and keep in repair their own public lamp posts and lamps, and apparatus connected therewith.

Consumers may be required to consume by meter.

61. Every consumer of gas supplied by the Company shall, on being required by the Company so to do, consume such gas by meter, which shall be approved by the Company, and may 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.

Consumer may provide his own meter.

62. Subject as aforesaid, every consumer of gas supplied by the Company shall be at liberty, at his own expense, to provide his own meter, which shall be fixed by the Company at his own expense.

Consumer to keep his own meter in order.

63. 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, and of sufficient size for correctly registering such gas, in default whereof the Company may cease to supply gas through such meter; and the Company shall have access to and be at liberty to take off, remove, test, inspect, and replace the same at all reasonable times, such taking off, removal, testing, 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 not to charge incoming tenant for arrears of gas.

64. In case any consumer leave the premises where gas was supplied to him without paying to the Company the gas rent, 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 agreed with the defaulting consumer to pay the arrears; but the Company shall, notwithstanding any such arrears, supply gas and meter to the incoming tenant as required by this Act, on being required by him so to do.

Company to lay down service pipes to houses.

65. The Company shall and they are hereby required to provide and lay down proper and sufficient service pipes and apparatus from any main pipes of the Company for carrying and conveying the gas into every house, building, or premises of any person applying to be supplied with gas by them within the limits of this Act, at the expense of the Company so far as relates to the providing, laying,

and fixing of the pipes, and at the expense of the applicant so far as relates to the opening up and reinstating of the road and pavement: Provided that the Company shall not be required to lay down such service pipes and apparatus for a greater distance than thirty feet from any main pipe of the Company, or upon any private property of any person, except at the expense of the person requiring the same.

Security for payment of rates.

66. Any person having or requesting to have a supply of gas from the Company shall, if and when so required by the Company, and before he is entitled to have such service pipes and meter provided and fixed, or to have a supply of gas, give to them such security for the payment for one year of the rate for the gas, and for the use of any meter, 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.

67. 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: 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 may determine.

Fraudulently injuring meters.

68. 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 shall in any way fraudulently, wilfully, 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

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by them which shall not be satisfied by the amount of the penalty recovered, and may also discontinue, until the act complained of be remedied, but no longer, the supply of gas to the person or company so offending, and that 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 knowingly, wilfully, and fraudulently 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.

Company may remove pipes from unoccupied premises on giving notice to owners.

69. In all cases in which the Company are by "The Gasworks Clauses Act, 1847," incorporated with this Act, authorised to cut off and take away the supply of gas from any house, building, or premises, then if such house, building, or premises be unoccupied, the Company, their agents, servants, or workmen, after giving forty-eight hours previous notice to the owner by serving the notice on him, or by letter under the hand of the secretary of the Company, sent by post, addressed to such owner, or if the owner or address be not known to the Company after due inquiry, by affixing such notice for three days on some conspicuous part of such house, building, or premises, may enter into such house, building, or premises between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, or fittings, or other works, the property of the Company, making compensation to such owner for the damage (if any) which may be occasioned to him thereby.

Limiting the price of gas.

70. The maximum price to be charged by the Company for gas supplied to all persons who shall use the same by meter shall not at any time after the first day of October one thousand eight hundred and seventy-one exceed four shillings and eightpence for every one thousand cubic feet of gas: Provided always, that when any consumer shall take from the Company a supply of gas for a period of not less than a quarter of a year, the accounts of the Company for such supply shall be delivered quarterly, and that every consumer within the district of the Todmorden Local Board who shall, within twenty-eight days after delivery of the quarterly account by the Company, pay such account shall be entitled to the following discounts:

For any quantity of gas supplied through one or more meters to any one person, firm, copartnership, or company in any one quarter of a year:

When the quantity so supplied shall exceed four thousand five

hundred cubic feet, but shall not exceed eighty-five thousand cubic feet, three per cent.:

When such quantity shall exceed eighty-five thousand cubic feet, but shall not exceed one hundred and seventy thousand cubic feet, six per cent.:

When such quantity shall exceed one hundred and seventy thousand cubic feet, twelve per cent.

Charge for meter.

71. The charge to be made by the Company to the consumer for the use of any meter provided by the Company shall not be more than after the rate of fifteen pounds per centum per annum on the outlay incurred by the Company in providing and fixing such meter.

Quality and illuminating power of gas.

72. 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 an hour, a light equal in intensity to the light produced by seventeen sperm candles burning one hundred and twenty grains an hour, and shall be so far pure from sulphuretted hydrogen as not to discolour moistened test-paper imbued with acetate or carbonate of lead, when this test paper is exposed for one minute to a current of gas issuing under a pressure of five tenths of an inch of water, and shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet of gas.

Experimental meter.

73. The Company shall, within twelve months after the passing of this Act, erect in some convenient part of their works an experimental meter furnished with an argand burner, having fifteen holes and a seven-inch chimney, capable of consuming five cubic feet of gas per hour, and so placed as to test all the gas supplied by the Company, and with proper and sufficient apparatus for testing the illuminating power and purity of the gas, and the Company shall at all times keep and maintain the experimental meter and apparatus in good repair and working order, and if and when necessary renew the same.

Power to test quality of gas.

74. It shall be lawful for two justices, on the application of any five or more consumers of the gas, 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 hour in the daytime, on producing the said order, enter on the premises of the Company, and in the presence of the superintendent or other officer of the Company make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus before mentioned, and the Company and their officers shall afford all reasonable

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facilities and assistance for the making of such experiment; and if it shall be proved to the satisfaction of any two justices, not being directors or 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 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 under the circumstances of the case.

Costs of experiment by whom to be paid.

75. 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 the gas being found, when tested, to be of not less illuminating power than is by this Act prescribed, or in the event of no penalty being imposed, such costs shall be awarded to be paid by such consumers to the Company, and shall be paid or levied accordingly.

Penalties not cumulative.

76. 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 herewith shall be deemed several Acts.

Sums undisputed may be recovered by distress.

77. 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.

Contents of warrant.

78. 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 may include costs.

79. Any justice who shall issue 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 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 the Company.

80. Whenever any person shall neglect to pay any rate or sum due to the Company, the Company may recover the same, with full

costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedies of the Company under this enactment shall be in addition to their other remedies in that behalf.

Liability to gas rate not to disqualify justices, &c.

81. No judge or justice shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, rate, or other charge under this Act.

As to recovery of rents, &c. under 20*l.*

82. In addition to the power given by "The Gasworks Clauses Act, 1847," in this behalf, the Company may recover the rent of any gas, or the price or rent of any pipe, burner, meter, lamp, or fittings supplied, sold, delivered, or let to 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.

Expenses of Act.

83. All the costs, charges, and expenses of applying for and obtaining this Act, or incident thereto, shall be paid by the Company.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

A plot or parcel of land situate near the Swan Inn, at Millwood, in the township of Stansfield, in the parish of Halifax in the west riding of the county of York, now belonging or reputed to belong to and in the occupation of the existing Company (formerly part of a meadow or close of land called the Shuts or Swan Field), and bounded on the northerly side by other part of the same close belonging or reputed to belong to Joseph Ashworth, on the westerly side by Leeming Hall Estate, on the southerly side by the river Calder, and on the easterly side by the land belonging to and occupied by the works of the existing Company.

SCHEDULE (B.)

A plot or parcel of land in the said township of Stansfield, part of a close called the Swan Field, now held by and in the occupation of the existing Company, and bounded on the northerly and easterly sides thereof respectively by land (formerly part of the said close) belonging to or reputed to belong to the late Mr. Richard Ingham, of Hall Royd, and now held by and in the occupation of the existing Company, on the southerly side by the river Calder, and on the westerly side by the aforesaid land and works of the existing Company.

SCHEDULE (C).

A plot or parcel of land in the said township of Stansfield abutting on and adjoining to the last-mentioned plot or parcel of land (formerly part of the said close called Swan Field) held and occupied by the existing Company, and bounded on the northerly and easterly sides thereof respectively by other part of the same close, belonging to or reputed to belong to the late Mr. Richard Ingham, on the westerly side thereof by the said plot of land lastly hereinbefore described, and held and occupied by the existing Company, and on the southerly side thereof by the same land and the river Calder.

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