ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. lxxv.

An Act to incorporate a Company for manufacturing and supplying Gas within the Parishes of *Tormoham* (including the Town of *Torquay*), *Saint Mary Church*, an d *Cockington*, in the County of *Devon*; and for other Purposes.

[14th *June* 1860.]

WHEREAS the Population and House Property within the Parishes of *Tormoham* and *Saint Mary Church* in the County of *Devon* have of late Years greatly increased and are still increasing, and it is expedient for the better supplying the same, and also the Parish of *Cockington* in the said County, with Gas, that Gasworks on an efficient Scale and in a convenient Site should be provided, and that a Company should be established and incorporated for that Purpose, and the Powers herein-after contained conferred upon them: And whereas for some Time past a Copartnership has been established in the Town of *Torquay* for the Purpose of supplying Gas within the Parish of *Tormoham*, and such Copartnership has expended on its Works the Sum of Nine thousand five hundred Pounds, whereof

Three thousand two hundred Pounds has been paid out of Profits arising from that Undertaking: And whereas some of the Members of the said Copartnership are Subscribers to the Company incorporated by this Act, and it is expedient that the Company should be authorized to purchase the Gasworks belonging to such Copartnership as herein-after provided: And whereas the Parties herein-after named, with others, are willing to provide the Gasworks by this Act authorized, and are desirous of being incorporated for the Purposes aforesaid, but such Purposes 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; (that is to say,)

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 15. incorporated.

I. "The Gasworks Clauses Act, 1847," "The Lands Clauses Consolidation Act, 1845," and "The Companies Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, except so far as any of the Clauses and Provisions thereof respectively shall be excepted or altered by this Act: Provided always, that nothing in this Act or in the Acts herewith incorporated contained shall authorize the Company to purchase or take by Compulsion any Lands except those delineated on the Plans deposited for the Purposes of this Act.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Torquay* Gas Act, 1860."

Limits of Act.

III. This Act shall extend to and may be put in force in the Parishes of *Tormoham*, *Saint Mary Church*, and *Cockington*, in the County of *Devon*.

Incorporation of Company.

IV. *John Cowell Stark*, *Alfred Byard Sheppard*, *William Henry Kitson*, *Richard Robbins Wolfe*, *Thomas Kitson*, *John Divett*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of constructing Gasworks, with proper Works and Conveniences connected therewith, and making and supplying Gas, according to the Provisions of this and the incorporated Acts, and for the Purpose aforesaid such Company shall be incorporated by the Name of "The *Torquay* Gas Company," and by that Name shall be a Body Corporate, with perpetual Succession, and may sue and be sued, and have a Common Seal, and shall have Power to take, purchase, hold, and dispose of Lands for the Purposes of the said Undertaking, not exceeding in the whole at any One Time Five Acres.

V. The

V. The Capital of the Company shall be Twenty-five thousand Pounds, and shall be divided into Two thousand five hundred Shares of Ten Pounds each. Capital.

VI. The prescribed Rate of Dividend arising from the Profits of the Undertaking to be divided amongst the Shareholders under "The Gas-works Clauses Act, 1847," shall be after the Rate of Ten Pounds in the One hundred Pounds by the Year upon Twenty-one thousand eight hundred Pounds, Part of the Capital of the Company, and upon the Sum of Three thousand two hundred Pounds (being the Remainder of the said Capital, and Part of the Sum expended upon the Works of the existing Copartnership, as aforesaid,) the prescribed Rate of Dividend shall be Five Pounds in the One hundred Pounds by the Year. Rate of Dividend.

VII. Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Three Months at the least shall intervene between successive Calls. Calls.

VIII. It shall be lawful for the Company to borrow on Mortgage any Sums of Money not exceeding in the whole the Sum of Six thousand two hundred and fifty Pounds; but no Part of such Sum shall be raised until Two Thirds of the said Capital has been subscribed for *bonâ fide*, and shall be held by Subscribers or their Assigns, and for which such Subscribers or their Assigns shall be legally liable, and One Half thereof shall have been paid up. Power to borrow on Mortgage.

IX. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and Five hundred Pounds shall be the Amount necessary to authorize a Requisition for a Receiver. Arrears may be enforced by Appointment of a Receiver.

X. All Monies raised under this Act by the Company, whether by Shares or by borrowing, shall be applied only for Purposes by this Act authorized. Application of Monies.

XI. Three Shareholders holding One Twentieth of the Capital of the Company may call an Extraordinary Meeting of the Company. As to convening Extraordinary Meetings.

XII. Three Days public Notice of all Meetings of the Company shall be sufficient. As to Notices of Meetings.

XIII. Five Shareholders holding at least One Tenth of the Capital of the Company shall constitute a General Meeting, whether ordinary or extraordinary. Number to constitute a General Meeting.

XIV. The

Number and Qualification of Directors.

XIV. The Number of Directors shall after the First Ordinary Meeting of the Company be Five, and the Qualification of a Director shall be the Possession of Five Shares in the Company, and the Company may from Time to Time diminish the Number of Directors, so that such Number be not fewer than Three.

Appointment of First Directors.

XV. *John Cowell Stark*, *Alfred Byard Sheppard*, and *William Henry Kitson* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting of the Company.

Quorum.

XVI. The Quorum of a Meeting of Directors shall be Two.

First Ordinary Meeting.

XVII. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act.

Subsequent Ordinary Meetings.

XVIII. The subsequent Ordinary Meetings of the Company shall be held in the Month of *April* in every Year, the first of such Meetings to be held in the Month of *April* One thousand eight hundred and sixty-one: Provided always, that the Ordinary Meetings subsequent to the First Ordinary Meeting may be held at such other Times as the Company from Time to Time resolve, and that it shall not be necessary to hold more than One Ordinary Meeting in a Year.

Newspapers.

XIX. The Newspaper in which Advertisements and Notices for the Purposes of this Act are to be inserted may be some Newspaper published in *Torquay* or the City of *Exeter*.

Construction of Works.

XX. Whereas Plans showing the Situation of the Lands intended to be taken for the Purposes of this Act, and a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, has been deposited with the Clerk of the Peace for the County of *Devon*: Therefore it shall be lawful for the Company to enter upon, take, and use such of the Lands shown on those Plans and referred to in that Book of Reference as they think requisite for any of the Purposes of this Act, and from Time to Time upon such Lands to construct, lay down, and maintain, alter, or discontinue such Gasworks, Retorts, Gasometers, Engines, Pipes, Machines, and other Apparatus, and such Buildings, with Approaches thereto, and other Works and Conveniences, and to do all such other Acts as they shall think necessary for manufacturing and supplying Gas within the Limits of this Act, and also to manufacture, sell, and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas in such Manner as the Company may think proper: Provided always, that nothing in this Act contained shall authorize the Company to erect any Works for the Manufacture of Gas, except within the Limits of the Lands shown upon the Plans deposited as aforesaid.

No Works on Lands other than those in Plans.

XXI. The

Purchase of existing Works.

XXI. The said Copartnership may sell to the Company and the Company may purchase of such Copartnership their Gasworks, and the Buildings, Lands, Apparatus, Mains, Machinery, and other Property, Rights, or Powers belonging thereto or connected therewith, or therewith used or enjoyed, or any Part or Parts thereof, at and for such Sum or Sums of Money or other Consideration not exceeding Nine thousand five hundred Pounds, and at or upon such Terms and Conditions, as shall be mutually agreed on; and such existing Copartnership, and the Directors or Trustees thereof, or other Person or Persons in whom such Gasworks, Buildings, Lands, and other Property may be vested, shall and may make, do, and execute all such Conveyances, Assignments, and other Acts and Deeds as shall be necessary to effect and complete such Sale; but the previous Consent of the major Part in Number and Value of the Shareholders in such existing Copartnership present at a Meeting duly convened for the Purpose, or of the major Part in Number and Value of the whole of the Shareholders in such existing Copartnership, expressed in Writing under their Hands, shall be first obtained to such Sale and Appropriation: Provided that such Sale, Conveyance, Assignment, or other Act or Deed shall not prejudice or affect any Debts, Contracts, Rights, Engagements, or Liabilities of such existing Copartnership.

Company not to manufacture Gas until they have acquired existing Works.

XXII. The Company shall not manufacture or sell Gas until they shall have acquired the Works of the said Copartnership, and the Manufacture or Supply of Gas at or from such Works shall be discontinued within Three Years after the passing of this Act.

Company compelled to supply Gas as herein stated.

XXIII. The Company shall, at the Request of any Owner or Occupier of any House, Part of a House, Factory, or Premises, or of any public Body or private Company having Premises within Thirty Feet of which any Main Pipe of the Company shall be laid, furnish to such Owner or Occupier, public Body or private Company, a Supply of Gas for such House, Factory, or Premises at a Rate not exceeding the Rate by this Act limited; and if the Company fail to supply such Gas to any such Owner or Occupier, public Body or private Company, then and in every such Case, on Proof before any Two Justices of such Failure, the Company shall forfeit such Sum not exceeding Five Pounds as the Justices think fit for every Day such Failure shall have existed and be allowed to continue: Provided always, that the Company shall not be bound to supply any Gas under the foregoing Provision unless reasonable Security for Payment for the Gas to be supplied be given, if required: Provided also, that the Expense of laying all necessary Service Pipes of a greater Length than Thirty Feet from the Company's Main shall be borne by the Person requiring the same to be laid; and the estimated Cost thereof, if required by the Company, shall be paid in advance by such Person; and in case of Dispute between the Company and such Person as to such Costs, the same shall be settled by Arbitration, in manner

manner provided by the Companies Clauses Consolidation Act, 1845, for the Settlement of Disputes by Arbitration.

Use of Meters.

XXIV. Every Consumer of Gas may be required by the Company to consume Gas by Meter, and the Company may be required by every Consumer to supply the same by Meter, to be provided by the Company at the Expense of the Consumer, or to be approved of by the Company if provided by the Consumer.

Meters for public Lights.

XXV. The Gas for the public Lights within the District of *Tormoham* shall, unless it be otherwise agreed, be measured and ascertained by the average Consumption indicated by Meters placed at One in every Twelve Lamps; and in case of any Disagreement the same shall be determined by any Two Justices in Petty Sessions.

Meter Rents.

XXVI. The Company shall be entitled to charge for every Meter supplied by them a Meter Rent not exceeding the following yearly Rate respectively; that is to say,

For a Two-light Meter, Five Shillings:
For a Three-light Meter, Five Shillings:
For a Five-light Meter, Seven Shillings:
For a Ten-light Meter, Nine Shillings:
For a Twenty-light Meter, Twelve Shillings:
For a Thirty-light Meter, Fifteen Shillings:
For a Forty-five-light Meter, Eighteen Shillings:
For a Sixty-light Meter, One Pound Two Shillings.

Penalty for injuring Meters.

XXVII. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Company, or shall alter the Index to any Meter, or who shall otherwise fraudulently consume or use the Gas of the Company, shall forfeit to the Company a Sum not exceeding Five Pounds for each Offence, and the Company may, in addition thereto, recover the Amount of any Damage by them sustained.

Rates for Rents may be recovered by Distress.

XXVIII. All Gas Rates or Rents, or Remuneration for Gas, due to the Company, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and all Costs of furnishing and fixing any Gas Meters or Pipes, may be levied by Distress, and any Justice, on Application, may issue his Warrant accordingly, and any such Warrant may include in the Body thereof or in a Schedule thereto several Names and several Sums, and the Register of the Meter shall be *primâ facie* Evidence of the Quantity of Gas consumed in respect of which any Rate or Rent is sought to be recovered.

XXIX. No

Liability to Rates not to disqualify Justices.

XXIX. No Justice shall be disqualified for acting in the Execution of this Act by reason of his being liable to the Payment of any Rate or other Charge under this Act.

Costs of Distress.

XXX. Any Justice who issues any Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Money 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.

Limit of Price for Gas.

XXXI. The maximum Price at which Gas shall be sold by the Company to all Persons who shall burn the same by Meter shall not exceed Five Shillings and Sixpence *per* Thousand Cubic Feet.

As to the Quality of Gas.

XXXII. Unless prevented by Frost or unavoidable Cause or Accident, or during necessary Repairs occasioned by such Accident, all the Gas to be supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, or other approved Burner and Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Ten Sperm Candles of Six in the Pound, each burning One hundred and twenty Grains *per* Hour, and shall, as far as possible, be free from Sulphureted Hydrogen and other Compounds deteriorating its Purity.

Experimental Meter to be erected.

XXXIII. The Company shall, within Six Months after they commence supplying Gas, erect or cause to be erected in some Part of their Works, so situated as to afford a Test for all the Gas supplied by the Company, an Experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney, capable of consuming Five Cubic Feet of Gas by the Hour, with other necessary Apparatus for testing the illuminating Power and Purity of the Gas.

Power to Local Board of Health, on Requisition, to authorize testing Gas.

XXXIV. It shall be lawful for the Local Board of Health for the District of *Tormoham*, if they shall think fit, by Order in Writing under their Seal, to appoint some competent Person, not being a Member or Officer or Servant of the Board, to proceed to the Works of the Company, and the Person so appointed, on giving Three Hours previous Notice in Writing to the Company, may, at any reasonable Hour in the Daytime, on producing the said Order, enter on the Works of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power or Purity of the Gas of the Company, by means of the Experimental Meter and other Apparatus provided for by this Act, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment and if it shall thereupon be proved to the Satisfaction of Two Justices, after

after hearing the Parties, that the illuminating Power or Purity of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power or Purity by this Act prescribed, and that no such Causes as aforesaid existed to prevent the same, 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 Five Pounds as the said Justices shall determine.

Cost of Experiment to be paid according to the event.

XXXV. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the Justices, shall be ascertained by the Justices, and in the event of any Penalty being imposed on the Company shall be paid 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, such Costs shall be awarded to be paid by the Local Board to the Company, and shall be paid or levied accordingly.

Account sent to Clerk of the Peace to be certified.

XXXVI. The Copy of the Account required to be sent to the Clerk of the Peace shall be certified by the Chairman of the Company, and sent within One Calendar Month from the Ordinary Meetings of the Company, instead of before the Thirty-first of *January* in each Year.

Surveyor of Local Board may inspect Map.

XXXVII. The Surveyor of the said Local Board shall have Liberty at all reasonable Times to inspect the Map kept by the Company of the Line and Situation of the Main Pipes of the Company.

Expenses of Act.

XXXVIII. All the Costs, Charges, and Expenses of applying for and obtaining this Act or incident thereto shall be defrayed by the Company.

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