CHAP. xii.

An Act for incorporating the Wrexham Gaslight Company, with powers to supply the town of Wrexham and its neighbourhood with Gas; and for other purposes. A.D. 1870.

[12th May 1870.]

WHEREAS in the year one thousand eight hundred and forty certain persons formed themselves into a gas company under the name of "The Wrexham Gas and Coke Company," for the purpose of making and manufacturing gas and coke and lighting the town of Wrexham in the county of Denbigh, and parts adjacent, with gas, and selling the coke:

And whereas the affairs of the said Company are now regulated by a deed of settlement bearing date the seventh day of May one thousand eight hundred and forty-seven:

And whereas the capital of the Company now consists of twelve thousand pounds, divided into two thousand four hundred shares of five pounds each, all fully paid up, and under the powers of the said deed of settlement the same may be increased in manner therein provided:

And whereas in pursuance of the powers contained in the said deed of settlement the Company have borrowed and expended, for the general purposes of the Company's undertaking, the sum of three thousand pounds, which is now due and owing by them:

And whereas the Company purchased, for the purposes of their undertaking, certain plots or parcels of land situate within the town of Wrexham (which plots or parcels of land are more particularly described in the schedule to this Act), and thereon constructed and erected works for the manufacture and storage of gas and other works for the purposes of the said Company, and the Company have also laid down, in the streets and thoroughfares within the said town and places adjacent, mains and other pipes to enable them to supply gas and to carry on the other business of a gas company:

And whereas the population, manufactories, and buildings in the said town of Wrexham and the neighbourhood thereof have of late

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years greatly increased, and it is expedient that the works, mains, and pipes of the Company should be enlarged and extended, and for the purpose of such enlargement of their works and the increase and extension of the supply of gas, and for paying off the debts now due and owing by the Company as 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 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 Wrexham Gas Act, 1870."

8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 15., 23 & 24 Vict. c. 106., 26 & 27 Vict. c. 118., and 32 & 33 Vict. c. 48. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I., II., III., and IV. of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845" (except the provisions thereof with respect to the purchase of lands otherwise than by agreement), "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," shall, subject to the provisions of 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 co-partnership as constituted and existing immediately before the passing of this Act:

The expressions "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 any gasworks

they may construct under the powers of this Act, and the buildings, estate, right, title, property, privileges, and effe 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.

Limits of Act.

4. The limits of this Act for the supply of gas shall be and include the parliamentary borough of Wrexham and the townships of Wrexham Regis, Wrexham Abbot, Acton, Esclusham Below, Stansty, Broughton, and Bersham, all in the parish of Wrexham, and Erthig and Gwersyllt in the parish of Gresford, all in the county of Denbigh.

Incorporation of company.

5. 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 Wrexham Gaslight 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.

Company may make and supply gas, &c. within limits of Act.

6. The Company shall be established for the purpose of manufacturing gas produced from coal or other material, and supplying and lighting with gas so produced the several turnpike roads, highways, public and private roads, streets, lanes, thoroughfares, squares, courts, alleys, and public or private passages or places, railways, railway stations, and the works and conveniences connected therewith, and also the several churches, chapels, shops, taverns, private houses, manufactories, warehouses, and other buildings, and the collieries within the limits of this Act; and also for the dealing in coke, coal, tar, pitch, asphaltum, ammoniacal liquor, oil, and other matter the residuum or product of any coal or other material which may be

yed in the manufacture of such gas; and also for making or erting tar, pitch, ammoniacal liquor, and any other residuum or oduct into dyewares or other material and for dealing in the same; and also for manufacturing, buying, hiring, letting, selling, and dealing 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: Provided always, that nothing in this Act contained shall prevent the Company from being liable to an indictment for nuisance, or to any other legal proceeding to which they may be liable in consequence of any of the operations aforesaid.

Property of old Company vested in Company incorporated by this Act.

7. 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, matters, and things which have been by them purchased or provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of or 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 on their behalf, and the benefit of all contracts 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 on their behalf, and may, according to the provisions of this Act, be held and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Existing deed of settlement to be void without prejudice to remedies for antecedent breaches.

8. Subject to the provisions of this Act, the existing deed of settlement shall, as to any future or prospective operations thereof, from and after the passing of this Act be wholly void and of none 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 the same deed, 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; but 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 incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as herein otherwise provided, 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.

Saving of previous rights and liabilities.

9. Notwithstanding the incorporation of the Company and the avoidance of the said deed of settlement, 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 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 was 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.

10. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, 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.

11. 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,

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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.

12. 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, and who shall be legally responsible in respect of such debt or liability, 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, in the same manner in all respects as if this Act had not been passed.

Reimbursement of shareholders in such case.

13. 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 indemnified.

14. Every trustee or other persons 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 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, contract, or engagement.

Provision in Acts of Parliament in favour of old Company may be enforced notwithstanding incorporation of the Company.

15. 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.

16. 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 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 costs in that behalf.

Recovery of gas rates, &c. due before passing of Act.

17. All gas rates, rents, and sums of money, which immediately before the passing of this Act were due and payable or accruing to the old Company, shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before passing of Act.

18. 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.

19. Notwithstanding the avoidance of the said deed, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under that deed of or with respect to any shares in the old Company, shall remain in full

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force and continue and be available in all respects as if such deed had not been avoided.

Officers to continue until removed.

20. 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, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall have the like powers and authorities for the purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations, in all respects whatsoever, as if they had been appointed under this Act.

Present register of shareholders to be continued.

21. The book kept by the old Company for entering the names and designations of the subscribers to the undertaking, with the numbers of their shares and the proper number by which such shares shall be distinguished, shall and may continue to be kept for the same purpose by the Company hereby incorporated, and shall until some other register of shareholders shall be provided by the Company be taken and considered as the register of shareholders required to be kept by "The Companies Clauses Consolidation Act, 1845."

Capital.

22. The capital of the Company shall be fifty thousand pounds, and the Company shall convert into stock the whole of their paid-up share capital of twelve thousand pounds, such stock to be divided among the shareholders according to their respective interests therein; and the remainder of the capital of the Company, as the same may from time to time be increased, shall be raised by the creation of shares of ten pounds each.

Vesting shares of old Company in present shareholders.

23. The shares representing the said paid-up capital of twelve thousand pounds shall remain and be vested in the several persons who immediately before the passing of this Act were the registered proprietors of the shares in the old Company, share for share, and every share so vested, and the stock to be created in lieu thereof, shall be subject to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the said shares, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company shall call in and cancel existing share certificates, and issue new certificates in lieu thereof.

24. 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 stock in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall

have delivered up to the Company, to be cancelled, the certificates of proprietorship issued to them before the passing of this Act, or shall have proved, to the reasonable satisfaction of the Company, the loss or destruction thereof.

Power to raise additional capital by new shares or stock.

25. It shall be lawful for the Company from time to time to raise by the issue of new ordinary shares or stock, or by the issue of preference shares or stock, or (at the option of the Company) partly by new ordinary and partly by new preference shares or stock, any further sum or sums of money not exceeding in the whole (including the existing share capital of twelve thousand pounds) the sum of fifty thousand pounds.

Profits of the Company limited.

26. For the purposes of the provisions of the said Gasworks Clauses Act "with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit," the following shall in the respective cases herein-after mentioned be "the prescribed rate" of dividend; that is to say, "the prescribed rate" shall in respect of the said share capital of twelve thousand pounds be ten pounds in the hundred by the year, and shall in respect of any additional capital which may from time to time be raised, be seven pounds in the hundred by the year on the amount for the time being actually paid up of such capital as shall be issued as ordinary capital, or six pounds in the hundred by the year on the amount for the time being actually paid up of such capital as may be issued as preference capital.

As to amount of new shares.

27. Any new shares, whether ordinary or preference, which may be issued under this Act shall be of a nominal amount not less than ten pounds.

Shares not to be issued until one fifth part paid up.

28. It shall not be lawful for the Company to issue any such new share or stock, 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 the amount of such share shall have been paid up in respect thereof.

Calls on new shares.

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

Receipts on behalf of incapacitated persons.

30. 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.

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Power to borrow in respect of existing capital.

31. The Company may from time to time, and at any time after the passing of this Act, borrow on mortgage, in respect of their existing share capital of twelve thousand pounds, any sums not exceeding in the whole three thousand pounds.

Power to borrow in respect of additional capital.

32. In addition to the sum of three thousand pounds which the Company are authorised to borrow by the last preceding section, they may, when eight thousand pounds of the additional capital of the Company has been bonâ fide subscribed for, issued and accepted, and one half thereof has been paid up, from time to time borrow on mortgage any sum or sums of money not exceeding in the whole two thousand pounds, as may from time to time be authorised to be borrowed by order of a general meeting of the Company; and when each further sum of five thousand pounds, beyond the said amount of eight thousand pounds of the additional capital of the Company, has been bonâ fide subscribed for, issued, and accepted, and one half of the amount thereof respectively has been paid up, the Company may borrow on mortgage such further sum or sums of money not exceeding in the whole the sum of one thousand two hundred and fifty pounds, in respect of each such amount of five thousand pounds as may from time to time be authorised to be borrowed as aforesaid, but in none of the before-mentioned cases shall any part of the said sum of two thousand pounds, or of the said several sums of one thousand two hundred and fifty pounds respectively, be borrowed until the Company have proved to the justice who is to certify under the provisions contained in the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all the shares in respect of which the power to borrow two thousand pounds, and such several sums of one thousand two hundred and fifty pounds, respectively hereby granted, is then sought to be exercised have 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 has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such shares are bonâ fide 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 certificate shall be sufficient evidence thereof.

Appointment of receiver.

33. 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 than one thousand pounds in the whole.

Power to issue debenture stock.

34. 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.

35. 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.

36. 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 August in every year.

Quorum of general meetings.

37. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be ten 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.

38. The proprietors 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 on the shares held by him.

Number and qualification of directors.

39. The number of directors shall be nine, and the qualification of a director shall be the possession in his own right of shares in the undertaking to the registered value of one hundred pounds.

Power to reduce the number of directors.

40. 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.

41. 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.

Such directors to continue in office until first meeting after passing of this Act.

42. The first directors shall continue in office until the first ordinary meeting to be held in the year one thousand eight hundred and seventy, 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 as members of such new body; and at the first ordinary meeting to be held in every year after the year one thousand eight hundred and seventy, the shareholders present in person or by proxy shall elect persons to

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supply the place of the directors then retiring from office, in accordance with the provisions in "The Companies Clauses Consolidation Act, 1845," in that behalf contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by that Act.

Quorum of directors.

43. The quorum of a meeting of directors, so long as the number of the directors shall be more than six, shall be four, and if their number is reduced to six the quorum shall be three.

Committees of directors.

44. 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.

45. 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.

46. Subject to the provisions of this Act, the Company may from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue upon the lands on which the same are erected, or any part thereof, and which are described in the schedule to this Act, their existing gasworks, buildings, retorts, gasometers, receivers, and other works and apparatus and conveniences, and they may also construct and maintain thereon, or on any of the other lands described in the said schedule, such new or additional works, and may do all such acts as they think proper for making and storing gas, and for supplying gas within the limits of this Act, and 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.

As to works affecting joint lines of London and North-western and Great Western Railway Companies, or to the Wrexham

47. Any works to be constructed in the exercise of the powers conferred by this Act in any way affecting any railway belonging jointly to the London and North-western and Great Western Railway Companies, or to either of them, or to the Wrexham and Minera Railway Company, or any of the bridges or works thereof, or any lands or property belonging to those companies, or either of them, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being appointed by those

companies, or either of them, and according to plans to be reasonably approved by him before any such works are begun, but in all things at the expense of the Company, and so as to cause no injury to or interference with any such railway, bridges, works, lands, or property, or the passage or conduct of traffic over any such railway, or at any station thereof; and if any such injury or interference shall arise to any such railway, bridges, works, lands, or property, the Company shall make full compensation to the owner or owners thereof in respect of such injury or interference.

Power to purchase lands by agreement.

48. 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 schedule 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 their works and undertaking, and sections 127 to 132, both inclusive, of "The Lands Clauses Consolidation Act, 1845," shall extend and apply as well to the lands by this Act vested in the Company, as to any lands which they may purchase or acquire under the authority of this Act; but no lands shall be used by the Company for the purpose of manufacturing gas except the said lands described in the schedule to this Act, nor shall they, except on the same lands, erect works for the storage of gas within three hundred yards of any dwelling-house existing at the time of the acquisition by the Company of the lands for such storage works, without the consent in writing of the owner, lessee, and occupier of every such dwelling-house.

Power to lay pipes into and against buildings.

49. 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.

Company may contract with public bodies.

50. The Company may from time to time enter into and carry into effect all such contracts with local boards, commissioners, companies, lighting inspectors, and other public bodies, trustees, and persons, within the limits of supply, as authorised and defined by this Act with respect to the supply of gas, gasfittings, or meters by the Company, on such terms and conditions as they think fit.

Local boards, &c. may

51. Any such local board, commissioners, lighting inspectors, and any other public bodies with whom such contract may be entered

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into, may provide and keep in repair their own public lamp posts and lamps and apparatus connected therewith.

provide lamp posts.

Company to lay the mains and service pipes.

52. Subject to the provisions of this Act, the Company shall at their own expense, upon the request in writing of any lighting authority, provide, lay down, fix, maintain, and keep in repair all mains necessary for the proper lighting of such of the streets within the said limits as are mentioned in such request, provided the lamps to be supplied shall be fixed at not exceeding the average distance of eighty yards along the course of any main to be laid down by the Company for conveying gas to such lamps; and provided further, that the lighting authority requiring such mains to be laid down shall agree to take a supply of gas for such lamps for not less than three years certain, and at a rate of consumption of not less than four feet per hour and averaging not less than ten hours per night.

Company to supply gas to public lamps on request of lighting authority.

53. The Company shall from time to time, at the request in writing of any such lighting authority, supply all or any of the present public lamps within the said limits, or such other public lamps to be hereafter provided and fixed as aforesaid, with so much gas, and to be delivered at and for such times and periods, as the parties on whose request the supply of gas is made may from time to time desire.

Price of gas supplied to public lamps.

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

Meters for public lamps, &c.

55. The gas supplied to the public lamps within the limits of this Act shall be consumed by meter at the option from time to time of the lighting authority or the Company, and in case of its being consumed by meter the meters shall be provided by the Company at the expense of the lighting authority, but neither party shall, except as herein-after provided, be entitled to require that a meter be affixed to more than one in every twelve lamps then supplied with gas under this Act; provided also, that the Company shall be at liberty, if they think fit, to have a meter affixed to any additional number of lamps, they providing such meters, and paying to the lighting authority 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 indica-

tion, the Company shall, for securing uniformity of consumption between the metered and the unmetered lamps, from time to time provide the public lamps under the control of the lighting authority with proper regulating apparatus and burners to the satisfaction of the lighting authority, or, in case of difference, as from time to time shall be settled by the justices in petty sessions assembled.

Average amount of indication to be deemed amount consumed.

56. The average amount of the indications of all the meters attached to the public lamps under the control of any lighting authority (except such meters as for the time being have ceased to register or shall be out of repair), shall be deemed to be the amount consumed by each of such lamps.

Gas to be supplied to public lamps without obstruction.

57. The gas supplied to every such public lamp shall be permitted to pass unrestricted to and from such regulating apparatus for the whole of the period during which such public lamp shall be lighted.

Consumer to keep meter in order at his own expense.

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 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.

59. In case any consumer leave the premises where gas was supplied to him without paying to the Company the gas rate or meter rent due from him, the Company shall not be entitled to require from the next tenant of the premises payment of the arrears left unpaid by the former tenant, unless the incoming tenant 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 supply gas in certain events at request of owner or occupier.

60. The Company shall, at the request in writing of any owner or occupier of any premises within fifty yards of which any main gas-pipe of the Company shall be then laid, furnish to him a sufficient supply of gas for such premises, together with a meter and so much of the service-pipe as shall be necessary to communicate between the main pipe of the Company and such meter, provided that the expense of so much of the service-pipe as shall be laid upon private property, or in any other case as shall be laid beyond thirty

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feet in length, shall be defrayed by such owner or occupier; and provided further, that the Company shall not be bound to furnish such supply of gas, or meter, or service-pipe unless such owner or occupier shall enter into a written contract to continue to receive and pay for a supply of gas for a period of at least two years, and to an amount not being less than twenty pounds per centum per annum on the outlay incurred by the Company in providing such service-pipe and meter; and if the Company shall, by their wilful default, fail to supply the gas within a reasonable time after such request, then on proof of such failure the Company shall be subject to a penalty not exceeding five pounds.

Company may require security for payment of rate.

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

Justice may determine nature of security.

62. 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 determines.

Penalty on fraudulently injuring meters.

63. 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 by them which shall not be satisfied by the amount of the penalty recovered, and may also discontinue until the act complained of is remedied, but no longer, the supply of gas to the person or company so offending, and that notwithstanding any contract previously existing; and the existence of artificial or irregular means for causing such alteration or obstruction, 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.

64. 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 twenty-four 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 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.

65. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed per one thousand cubic feet the several rates following; that is to say, four shillings for gas supplied within a radius of one mile from the centre of the doorstep of the north porch of the church of Saint Giles or parish church of Wrexham, four shillings and sixpence for gas supplied within a radius of two miles from the same point, and five shillings for gas supplied beyond the said radius of two miles.

Quality and illuminating power of gas.

66. All the gas supplied by the Company shall be of such quality as to produce from an argand burner having fifteen holes

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and a seven-inch chimney, and consuming five cubic feet of gas an hour, a light equal in intensity to the light produced by fifteen 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.

Experimental meter to be kept by Company.

67. 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.

Mayor, &c. of Wrexham may appoint a person to test quality of gas.

68. It shall be lawful for the mayor, aldermen, and burgesses of the borough of Wrexham, acting by the council as a local board, or other local authority beyond the said borough, on the requisition in writing of any consumers of the gas of the Company, not being less than five in number, by order in writing under the hand of their clerk for the time being, 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 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.

69. 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, such costs shall be awarded to be paid by such consumers, as the case may be, to the Company, and shall be paid or levied accordingly.

Penalties not cumulative.

70. 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 due for supply of gas may be recovered by distress.

71. 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.

72. 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 of distress shall include costs.

73. 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 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.

74. Whenever any person neglects 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 from acting.

75. No judge or justices 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 rent for gas and fittings under twenty pounds.

76. 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.

77. 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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SCHEDULE referred to in the foregoing Act.

Certain pieces of land now belonging to the Company, situate within the township of Wrexham Regis, parish of Wrexham, and county of Denbigh, viz.:—

1. A piece of land abutting upon a certain street in the town of Wrexham, called the Willow Road, measuring 47 yards and 2 feet or thereabouts along the said road, and extending backwards therefrom to a depth of 40 yards and 2 feet, or thereabouts, such piece of land being bounded on the north by the said Willow Road; on the east by land and property belonging or reputed to belong to Michael Gummow; on the south by lands and property belonging or reputed to belong to the said Michael Gummow and Emma Edisbury; and on the west by land and property belonging or reputed to belong to Thomas Edward Rowland, Samuel Rowland, William Rowland, and Diana Bithell.

2. A piece of land within the said town of Wrexham abutting on and bounded on the west by the road or street called Salop Road, and by land and property belonging or reputed to belong to John Dale, John Bury, and John Jones, and in the occupation of the said John Dale, Hugh Price, George Hix Sallery, George Wynn, Caroline Luck, and Robert Hughes; on the north by land and property belonging or reputed to belong to Charles Potts, Arthur Potts, Charles William Potts, and Frederick Potts, and to the said John Jones, and in the occupation of Robert Jones and the said John Jones, Robert Price, Thomas Thomas, Sarah Parker, Richard Hughes, and Ann Williams; on the east by land and property belonging or reputed to belong to the said Charles Potts, Arthur Potts, Charles William Potts, and Frederick Potts, and John Bury, and in the occupation of the said Robert Jones and John Bury; and on the south by land and property belonging or reputed to belong to the representatives of the late Mary Ann Bennion, in the occupation of Henry Phillips, Thomas Williams, Henry Rogers, and John Smith, and by land and property belonging or reputed to belong to Thomas Hughes, in his own occupation.

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