



CHAPTER xiv.

An Act to sanction and confirm the construction of certain existing works and to construct further works of water supply to raise additional capital for gas and water and for other purposes. A.D. 1912.
[25th June 1912.]

WHEREAS the Dunstable Gas and Water Company (in this Act called "the Company") were incorporated by the Dunstable Gas and Water Act 1871 (in this Act referred to as "the Act of 1871") and by that Act were empowered to construct works and to supply gas and water to certain parishes in the county of Bedford within the limits prescribed by that Act:

And whereas under the authority of the Act of 1871 the Company were authorised to raise or issue capital for water purposes amounting in the whole to the sum of ten thousand pounds and for gas purposes twenty-four thousand five hundred pounds and to borrow on mortgage on the water undertaking two thousand five hundred pounds and on the gas undertaking five thousand five hundred pounds and it was provided by the Act of 1871 that separate accounts should be kept of the receipts and expenditure of capital and revenue in relation to the gas and water undertakings of the Company:

And whereas the Company have as regards their water undertaking raised issued and expended the whole of the capital authorised to be raised by the Act of 1871 and it is expedient that the Company be authorised to raise additional capital for the further works of water supply in this Act mentioned to meet the requirements of their statutory district:

And whereas the Company in respect of their gas undertaking have raised the sum of sixteen thousand nine hundred and sixty-eight pounds and have borrowed on mortgage two

A.D. 1912. thousand five hundred pounds and it is expedient the Company be authorised to raise further capital for the general purposes of their gas undertaking:

And whereas the Company have upon lands acquired by them by agreement under the powers of the Act of 1871 constructed the works hereinafter described and it is expedient that the construction of such works should be sanctioned and confirmed as by this Act provided:

And whereas owing to the demand for water within the statutory area of supply of the Company it is expedient that the Company be authorised to acquire additional lands and to construct the further works of water supply mentioned in this Act:

And whereas it is expedient to confer upon the Company the further powers in this Act contained with reference to the gas undertaking:

And whereas plans and sections showing the lines situations and levels of the existing waterworks to be confirmed and maintained under the authority of this Act and also the further works authorised by this Act with a book of reference to such plans were duly deposited with the clerk of the peace for the county of Bedford and are in this Act respectively referred to as "the deposited plans sections and book of reference":

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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
and citation.

1. This Act may for all purposes be cited as the *Dunstable Gas and Water Act 1912* and the Act of 1871 and this Act may be cited together as the *Dunstable Gas and Water Acts 1871 and 1912.*

Incorporation
of general
Acts.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

- (1) The *Lands Clauses Acts*;
- (2) The *Waterworks Clauses Acts 1847 and 1863* except the words "with the consent in writing of the owner

“ or reputed owner of any such house or of the agent
“ of such owner ” in section 44 of the Waterworks
Clauses Act 1847; A.D. 1912.

(3) The Gasworks Clauses Acts 1847 and 1871;

(4) The Companies Clauses Consolidation Act 1845 with
respect to the following matters (namely):—

The distribution of the capital of the Company into
shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of
enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against
the shareholders;

The borrowing of money by the Company on
mortgage or bond;

The consolidation of the shares into stock;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the
special Act by all parties interested; and

(5) Part I. (relating to cancellation and surrender of
shares) Part II. (relating to additional capital) and
Part III. (relating to debenture stock) of the Com-
panies Clauses Act 1863 as amended by subsequent
Acts.

3. In this Act the several words and expressions to which
meanings are assigned by the Acts wholly or partially incorporated
herewith have the same respective meanings unless there be
something in the subject or context repugnant to such construc-
tion And— Interpretation.

The expression “ the existing works ” means the works of
the Company the construction of which is sanctioned
and confirmed by this Act.

WATER.

4. The construction by the Company of the existing works
next hereinafter described and the purchase of the lands upon
which such works are constructed is hereby sanctioned and
confirmed and the Company may from time to time maintain
alter improve extend enlarge renew reconstruct or discontinue
Confirming construction of existing works and lands.

A.D. 1912. the same and may retain hold and use the same for the purposes of the undertaking and any interest in the lands in this section described and already acquired by the Company for the purposes of the said works The existing works hereinbefore referred to are situate in the parish of Dunstable in the county of Bedford and are—

Work No. 1 A pumping station with wells and headings or adits pumping engines boilers with engine and boiler houses reservoir and all other necessary works buildings and conveniences situate in the parish of Dunstable in the county of Bedford on land belonging to and in the possession of the Company in the field or enclosure numbered 99 on the $\frac{1}{2500}$ Ordnance Map (1880) of the said parish of Dunstable.

Power to
construct
further
works.

5. Subject to the provisions of this Act the Company may in addition to the existing pumping station and works hereinbefore described upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain within the limits of deviation shown upon the deposited plans in the parish of Dunstable and county of Bedford the following additional waterworks or some part or parts thereof for supplementing the existing water supply of the district (viz.) :—

Work No. 2 A pumping station with wells boreholes headings or adits pumping engines boilers engine and boiler houses coal stores and all other necessary works buildings and conveniences to be constructed on a piece of land belonging to and in possession of the Company being part of a field or enclosure No. 95 on the $\frac{1}{2500}$ Ordnance map (1880) of the said parish of Dunstable:

Work No. 3 An adit or adits commencing at or out of the wells of Work No. 2 before described and connecting with the wells in Work No. 1 before described constructed within the limits of deviation shown upon the said deposited plans:

Work No. 4 A conduit consisting of one or more lines of pipes commencing at or out of Work No. 2 before described and terminating at the service reservoir at Work No. 1 before described:

Work No. 5 A service reservoir and all other necessary works buildings and conveniences to be constructed on a

piece of land situate in the said parish of Dunstable on land at the north-east side of the existing Work No. 1 before described being part of a field or enclosure No. 99 on the $\frac{1}{2500}$ Ordnance map (1880) of the said parish of Dunstable. A.D. 1912.

6. In addition to the foregoing works the Company may upon any of the lands mentioned in the section of this Act of which the marginal note is "Confirming construction of existing works and lands" and also upon the lands shown upon the deposited plans continue make maintain and renew all such existing or other embankments walls dams sluices channels tunnels adits pipes tanks buildings machinery approaches and other works conveniences and appliances as may be necessary or convenient in connection with or subsidiary or incidental to the before mentioned works or any or either of them. Subsidiary works.

7. Subject to the provisions of this Act all existing works hereby sanctioned or confirmed and the hereinbefore-mentioned lands and the further works by this Act authorised shall for all purposes whatsoever form part of and be comprised in the undertaking of the Company. Works to form part of undertaking.

8. Subject to the provisions of this Act the Company may take use and appropriate for the purposes of the undertaking all underground streams springs and waters which are will or may be intercepted by means of the works by this Act sanctioned or confirmed. Power to take waters.

9. The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or in some other Act of Parliament. Limiting powers of Company to abstract water.

10. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards Provided that the Company shall not alter the surface level of any road or raise the lines of pipes above the surface of the ground except so far as is shown on the deposited sections. Limits of deviation.

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Period for compulsory purchase of lands.

Power to acquire additional lands by agreement.

Power to hold lands for protection of waterworks.

Company may sell spare lands of undertaking.

Power to owners to grant easements &c.

11. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

12. The Company may in addition to the lands now belonging to them or which they are by this Act authorised to purchase compulsorily from time to time by agreement purchase take on lease or acquire for any of the purposes of their undertaking any additional quantity of land not exceeding in the whole four acres or any easement or right (not being an easement right or privilege of water in which persons other than the grantors have an interest) in or over such additional lands Provided that so long as any such lands are held by them the Company shall not on any such lands create or permit any nuisance or erect or authorise or permit the erection thereon of any buildings other than buildings connected with or necessary for their undertaking.

13. The Company may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Company shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

14. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands sell lease exchange or otherwise dispose of to such persons and in such manner as the Company may think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking.

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with

respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1912.

16. If the works authorised by this Act be not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending enlarging altering renewing or removing any of their waterworks plant and other incidental works from time to time as the Company may think fit. Period for completion of works.

17. The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the sum of seven pounds ten shillings upon the rateable value. Rates for supply of water for domestic purposes.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

In addition to the foregoing charges the Company may charge for every fixed bath capable of containing not more than fifty gallons a sum not exceeding five shillings per annum and for every fixed bath capable of containing more than fifty gallons as usually filled for use such sum as the Company may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate Provided that no additional charge shall be made for closets.

18. The Company shall increase the pressure of water in the mains by raising the present stand-pipe at the pumping station not less than nine feet or by erecting a new one of Improve-ment of supply.

A.D. 1912. larger capacity of a corresponding height and will daily pump a supply of water at such pressure as the stand-pipe will afford from seven o'clock to eleven o'clock in the morning and from five o'clock to eight o'clock in the evening and the Company shall within six months of the passing of this Act provide and lay a six-inch main in West Street from the main in High Street to the corner of Princes Street to connect with the four-inch main already laid for the purpose of giving a better supply to the houses in those streets and the adjoining neighbourhood.

Byelaws for preventing waste &c. of water.

19.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which will allow waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after forty-eight hours' notice in writing enter and by and under the direction of their duly authorised officer repair

replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable. A.D. 1912.

20. Section 4 of the Act of 1871 shall be read and have effect as if the parish of Caddington had been omitted therefrom. Exclusion of parish of Caddington from Company's limits of supply.

21. For the protection of the rural district council of Luton (hereinafter referred to as "the council"), the following provisions shall have effect (that is to say):— For protection of rural district council of Luton.

(1) The Company shall forthwith after the passing of this Act lay down and thereafter maintain the lines of pipes hereinafter described (that is to say):—

In the borough of Dunstable—

(i) From the termination of the existing main of the Company in High Street North opposite the road leading to the gasworks of the Company along High Street and Mixed Way to the boundary of the borough in Mixed Way;

In the parish of Houghton Regis—

(ii) From the boundary of the borough along Mixed Way to Townsend Farm;

(iii) From Townsend Farm along High Street to the Chequers Inn;

(iv) From the Chequers Inn along Sundon Road to East Hill Farm;

(v) From King's Arms for a distance of two hundred and thirty yards in a north-westerly direction along Bedford Road towards Bidwell;

(vi) Throughout the whole length of Cumberland Street Albert Road King's Street Queen's Street and Cemetery Road:

(2) The Company shall forthwith afford a supply of water to the inhabitants by means of such lines of pipes:

(3) If in any year prior to the expiration of eight years from the commencement of such supply the rates received by the Company for the supply of water from the lines of pipes hereinbefore described shall not amount to the sum of one hundred and twenty-five pounds the council shall pay to the Company

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the amount of the difference between the amount of such rates and the said sum of one hundred and twenty-five pounds :

- (4) The council shall be at liberty to inspect the books of the Company for the purpose of verifying any claim made against them under this section :
- (5) The rates charged for the supply of water in the parish of Houghton Regis shall not at any time exceed the rates for the time being charged in the borough of Dunstable.

For further protection of rural district council of Luton.

22. For the protection of the rural district council of Luton (in this section called "the council") the following provisions shall apply to the breaking up and reinstatement of streets bridges sewers drains and tunnels in the district unless otherwise agreed between the Company and the council (that is to say) :—

- (1) The notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets bridges sewers drains and tunnels shall as regards any such road bridge sewer drain or tunnel be not less than seven days instead of three days :
- (2) The plan required by section 31 of the last-mentioned Act shall as regards any such road bridge approach sewer drain or tunnel be on a scale of not less than a quarter of an inch to every one hundred feet and shall be accompanied by sections to suitable scales to show clearly the proposed works and shall be delivered to the surveyor to the council by the Company not less than seven days before the Company commence to open or break up such road bridge or other work :
- (3) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road bridge or approaches and the Company shall not break up at any one time a greater length than one hundred yards of any such road :
- (4) If except in case of frost more than forty-eight hours shall elapse between the commencement of the breaking up of any road bridge or approaches in which the mains pipes or other works of the Company are or may be laid for the purpose of laying altering

renewing or repairing mains pipes or other works and the termination of the works of reinstatement of such road bridge or approaches the Company shall pay to the council the reasonable costs which the council may incur in the repair and reinstatement of so much of any such road bridge or approaches as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains pipes or other works :

- (5) If the Company in the execution of any works in or affecting any such road or bridge as aforesaid shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the council after seven days' notice to the Company of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the council all costs charges and expenses which the council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence :
- (6) The council shall not be liable for or in respect of any damage or injury done to any works of the Company laid below the surface of any street or road in the district where such injury arises from the ordinary use by the council of a steam or other roller not exceeding twelve tons in weight for the repair of such street or road or from the ordinary use of any traction engine not exceeding the weight aforesaid :
- (7) If any difference arises at any time between the council and the Company touching the foregoing provisions of this section or anything to be done or not to be done thereunder or the giving or withholding of any such consent or the conditions of giving the same or any direction such difference shall be settled by arbitration by an engineer to be agreed upon between the council and the Company and failing agreement to be appointed by the President of the Institution

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of Civil Engineers on the application of either party and the Arbitration Act 1889 or any statutory modification thereof shall apply to the arbitration.

For protec-
tion of Dun-
stable and
District
Joint Hospi-
tal Com-
mittee.

23. Whereas the Dunstable and District Joint Hospital Committee (in this section called "the committee") have made a deep well at Kensworth in the rural district of Luton in the county of Bedford for the purpose of obtaining a supply of water to the hospital which well is indicated upon a map or plan prepared in duplicate and signed by the clerk to the committee and by the secretary of the Company Be it enacted for the protection of the committee as follows:—

(1) If during the construction or after the completion of the works authorised by this Act while the Company shall continue to use the same for the purpose of obtaining water for the area of supply the supply of water in the said well belonging to the committee shall be materially diminished such diminution shall be deemed to be or to have been caused by the works authorised by this Act and in that case the Company shall if so required by the committee and upon the committee entering into an agreement to comply with the condition hereinafter contained provide a supply of water free of cost in order to make good the amount of such diminution of supply by means of a pipe of sufficient size to be laid from the nearest main to the said hospital with proper meter fittings and taps but in that event the committee shall pay to the Company an annual sum equal to four per centum upon the cost of laying such main and providing a meter and fittings connected therewith Provided always that the Company may if they think fit in lieu of laying such pipe and supplying water as aforesaid make good the deficiency or diminution of supply either by deepening the said well or by making such additional borings as may be necessary to increase the supply from such well to make good the deficiency or diminution of supply therefrom:

(2) Notwithstanding the provision contained in subsection (1) hereof it shall be competent to the Company to prove that the diminution of supply to the said well

has arisen not from the works authorised by this Act but from other causes and the committee shall afford all reasonable access to and facility for gauging the said well and if the Company shall establish such proof the committee shall reimburse the expenses incurred by the Company in doing so :

- (3) The Company shall forthwith cause the well to be gauged by means of a registering float gauge or in such other manner as may be agreed upon so as to ascertain the level attained by the water in such well when water is not being pumped or drawn therefrom and also until the works authorised by this Act are completed and productive the Company may cause the said well to be gauged in similar manner once in every month or oftener as may be agreed upon. The records of such gauging shall be taken by a competent person appointed by the Company in the presence of a competent person appointed by the said committee on receiving one week's notice for that purpose and the level of the water ascertained by each such gauging shall be certified under the hands of the persons aforesaid and their certificates shall be deposited with the clerk to the said committee and with the secretary of the Company and shall be deemed to be the only evidence of the levels of the water ascertained by such gauging and the provisions of the Parliamentary Documents Deposit Act 1837 shall for the purpose of this Act be read and construed as if the said certificates were writings required by the standing orders of the Houses of Parliament to be deposited with the clerk of the peace for the county :
- (4) The supply of water and of pipes and other apparatus required by this enactment to be provided by the Company shall be so provided and for ever thereafter maintained free of any water rate rentcharge or other payment whatsoever except as aforesaid but the provisions of this Act and of the Waterworks Clauses Acts 1847 to 1863 with respect to the waste misuse and failing of the water supply by or belonging to the Company shall be held to apply to the supply of water required by this enactment :

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(5) All matters in difference arising under this enactment between the Company and the said committee shall be determined by an arbitrator mutually agreed upon in writing by the Company and the said committee or failing agreement in manner provided by the Arbitration Act 1889.

CAPITAL.

Power to raise additional capital.

24. The Company may from time to time for the purposes of their water undertaking raise additional capital not exceeding in the whole fifteen thousand pounds and for the purposes of their gas undertaking raise additional capital not exceeding in the whole ten thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twenty-five thousand pounds.

New shares or stock to be subject to same incidents as other shares or stock.

25. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

26. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

27. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

28. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

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New and existing shares or stock may be of same class.

29. The Company shall not in any one year pay out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary share capital which shall have fallen short of the said sum of seven pounds per centum per annum or on the preference capital which shall have fallen short of the said sum of five pounds per centum per annum.

Limits of dividend on new capital.

30.—(1) All shares or stock (which expression is to be deemed to include borrowed money and debenture stock) created under the powers of this Act shall be issued in accordance with the provisions of this section.

New shares or stock to be sold by auction or tender.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the town clerk of the borough of Dunstable and to the clerk to each district council whose district is within any part of the limits of supply of the Company and also to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be

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received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

- (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water or gas as the case may be supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or subsections (2) and (3) and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective shares or

stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock. A.D. 1912.

31. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act shall not be considered as part of the capital of the undertaking entitled to dividend. Provided that in any case where a power to raise money by borrowing or to create a reserve fund is made proportionate to the nominal capital the premiums received from the sale of shares or stock by auction or tender as hereinbefore provided shall for such purposes be reckoned as part of the nominal capital.

Application of premium arising on issue of shares or stock.

32. The Company may from time to time after the passing of this Act borrow on mortgage of the gas and water undertakings respectively any sum or sums not exceeding (inclusive of the amount borrowed at the passing of this Act) one-third part of the amount of the original share capital existing at the passing of this Act and one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part of the said sums shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully 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 such shares or stock and premium (if any) have been issued and fully paid up 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.

Power to borrow in respect of capital.

33. Section 102 (Appointment of a receiver) of the Act of 1871 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the date of the passing of this Act and in lieu thereof the mortgagees of the undertaking 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 arrears

For appointment of receiver.

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Debenture stock.

34. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and the provisions of the Act of 1871.

Receipt in case of persons not sui juris.

35. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Limit of interest on money borrowed.

36. The Company shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Act.

Company not to convert borrowed money into capital.

37. Notwithstanding anything contained in the Act of 1871 from and after the passing of this Act the Company shall not exercise in respect of any money borrowed by them the powers of the Companies Clauses Consolidation Act 1845 with respect to the conversion of borrowed money into capital.

Existing mortgages to have priority.

38. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Act under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Priority of money raised on mortgage or debenture stock over other claims.

39. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made

to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the gas and water undertakings or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company. A.D. 1912.

40. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act or for the general purposes of the undertakings of the Company to which capital is properly applicable. Application of moneys.

41. The provisions of section 49 of the Act of 1871 (the marginal note whereof is "Price of gas") in so far as they relate to the supply of gas within the borough of Dunstable is hereby amended by the substitution of the words "four shillings and twopence" in lieu of the words "five shillings" in that section. Amendment of section 49 of Act of 1871.

42. Section 50 of the Act of 1871 (the marginal note whereof is "For the supply of gas to public lamps") is hereby amended by providing that the price per thousand cubic feet shall not exceed the sum of three shillings and fourpence but this amendment shall not relieve the Company from any of their obligations under the said section. Amendment of section 50 of Act of 1871.

43. Sections 59 to 67 69 86 88 91 94 to 97 and 106 to 110 of the Act of 1871 are hereby repealed and from and after the passing of this Act the next following three sections of this Act are substituted for the aforesaid sections 91 108 and 109 and shall apply to the Company and their water undertaking. Repeal of certain sections of Act of 1871.

44. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

45. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) Injuring meters &c.

A.D. 1912. be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained:

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Contents of
summonses.

46. Where the payment of more than one sum by any person is due under this Act or any other Act or Orders relating to the Company any summons or warrant issued for the purposes of such Act or Orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

GAS.

Restriction
on manufac-
ture.

47. Notwithstanding anything in this or any other Act relating to the undertaking of the Company the Company shall not purchase or use in any process of manufacture any materials other than those required for the making and supply of gas by them or for the working up of their own residual products or for the construction maintenance and repair of their gasworks plant or buildings or for the maintenance or repair of gas fittings.

48.—(1) The Company may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

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Charge for gas supplied by means of prepayment meters.

(2) The Company shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove. The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Company in connection with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

49. The prescribed number of candles shall not be less than fourteen.

Quality of gas.

50.—(1) The quality of the gas supplied by the Company shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

Testing quality of gas.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the

A.D. 1912. greatest amount of light Provided that the Board of Trade may on the application of the Company or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

Pressure.

51.—(1) All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Company shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

52. No penalty shall be incurred by the Company for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Company Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

As to construction and placing of pipes &c. between mains and meters.

53. In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

- (1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Company's mains and the meter so far as the same are intended to be covered over:
- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building: A.D. 1912.

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

54. If any person is required by the Company to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Company shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Company to pay interest on money deposited as security for gas meter &c.

55.—(1) The Company may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating Power to supply gas fittings &c.

A.D. 1912. cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof.

Gas consumer to give notice to Company before removing.

56. At least twenty-four hours' notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

Power to refuse supply to persons in debt for other premises.

57. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to them all gas charges and meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

Notice to discontinue supply of gas.

58. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.

Period of error in defective meters.

59. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to, or by the consumer as the case may be

and shall be recoverable in the like manner as gas charges are recoverable by the Company. A.D. 1912.

60. The Company may contract with any local authority company or persons authorised to supply gas under parliamentary authority in any district adjacent to the Company's limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond their limits of supply. Company may contract with local authority &c. for supply in bulk.

61. Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and in default of his so using or keeping such anti-fluctuator in proper repair the Company may cease to supply gas to such consumer. The Company shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer. Anti-fluctuators for gas engines.

62. The following provisions for the protection of the corporation shall apply to the breaking up and reinstatement of streets bridges sewers drains and tunnels in the borough unless otherwise agreed between the Company and the corporation (that is to say):— For protection of Dunstable Corporation.

(1) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets bridges sewers drains and tunnels shall as regards any such road bridge sewer drain or tunnel be not less than seven days instead of three days:

(2) The plan required by section 9 of the last-mentioned Act shall as regards any such road bridge approach sewer drain or tunnel be on a scale of not less than a quarter of an inch to every one hundred feet and shall be accompanied by sections to suitable scales to show clearly the proposed works and shall be delivered to the borough surveyor by the Company

A.D. 1912.

not less than seven days before the Company commence to open or break up such road bridge or other work :

- (3) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road bridge or approaches and the Company shall not break up at any one time a greater length than one hundred yards of any such road :
- (4) If except in case of frost more than forty-eight hours shall elapse between the commencement of the breaking up of any road bridge or approaches in which the mains pipes or other works of the Company are or may be laid for the purpose of laying altering renewing or repairing mains pipes or other works and the termination of the works of reinstatement of such road bridge or approaches the Company shall pay to the corporation the reasonable costs which the corporation may incur in the repair and reinstatement of so much of any such road bridge or approaches as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains pipes or other works :
- (5) If the Company in the execution of any works in or affecting any such road or bridge as aforesaid shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the corporation after seven days' notice to the Company of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the corporation all costs charges and expenses which the corporation shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence :
- (6) The corporation shall not be liable for or in respect of any damage or injury done to any works of the Company laid below the surface of any street or road in the borough where such injury arises from the

ordinary use by the corporation of a steam or other roller not exceeding twelve tons in weight for the repair of such street or road or from the ordinary use of any traction engine not exceeding the weight aforesaid:

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- (7) If any difference arises at any time between the corporation and the Company touching the foregoing provisions of this section or anything to be done or not to be done thereunder or the giving or withholding of any such consent or the conditions of giving the same or any direction such difference shall be settled by arbitration by an engineer to be agreed upon between the corporation and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 or any statutory modification thereof shall apply to the arbitration.

63. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Acts 1847 and 1871 shall apply as if such street were a street within the meaning of those Acts.

Power to lay pipes in private streets.

64. The Company may lay down and repair take up alter relay or renew mains pipes and culverts within the limits of supply for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to utilise pipes for ancillary purposes.

65. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") shall be in force and have effect:—

For protection of London and North Western Railway Company.

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across

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over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the said railway company:

Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Company or either of them.

For protec-
tion of Great
Northern
Railway
Company:

66. Any mains pipes culverts or other works which the Company may under the powers of this Act lay down or execute under or over or which may affect any railway works or property of the Great Northern Railway Company shall be laid down and executed and subsequently maintained by the Company under the direction and superintendence and to the reasonable satisfaction of the chief engineer of the Great Northern Railway Company and in accordance with plans and sections previously

submitted to and approved by him and the Company shall make the Great Northern Railway Company full compensation for all damage sustained and shall bear and pay all expenses incurred by them by reason of the exercise of the powers of this Act.

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If any difference shall arise between the Company and the Great Northern Railway Company under this section such difference shall be referred to and settled by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers at the request of either party and the Arbitration Act 1889 shall apply to any such reference.

67. The Company may erect and maintain dwelling-houses for persons in their employ upon any lands for the time being belonging to or leased by the Company.

Dwelling-houses for persons in Company's employ.

68. The Company may acquire take and use any licence or authority to work use exercise and put in practice any invention under letters patent made or to be made granting any right or privilege of working using exercising or vending any invention in relation to the production utilisation and distribution of gas the production of coke tar pitch asphaltum ammoniacal oil and the products from coal and other substances employed in or resulting from the manufacture of gas or otherwise in relation thereto but not so as to acquire any exclusive right to the working use exercising or putting in practice of any such invention.

Power to take licences for use of patents.

69. Section 21 of the Act of 1871 is hereby repealed and from and after the passing of this Act the number of directors of the Company shall be not more than five or less than three.

Reduction of number of directors.

70. It shall be lawful for the corporation at any time upon the request in writing of twenty or more persons for the time being rated to the general district rate of the borough of Dunstable followed by the subsequent assent at the poll of two thirds in number of votes of the persons for the time being so rated and voting (the voting at such poll being conducted under the same regulations as the voting for the election of town councillors) to require the Company to transfer the undertaking and their interest in the same to the corporation.

Transfer of undertaking to corporation.

71. The corporation shall not exercise the power of acquiring the undertaking until after the expiration of six calendar months' notice in writing to the Company in that behalf and

Terms of such transfer.

[Ch. xiv.] *Dunstable Gas and Water Act, 1912.* [2 & 3 GEO. 5.]

A.D. 1912. the price to be paid to the Company by the corporation for such transfer and the terms and conditions upon which the same shall be made shall be such as shall be mutually agreed upon between the Company and the corporation or as in case of difference shall be ascertained by arbitration in manner prescribed by the Railways Clauses Consolidation Act 1845 in which arbitration the arbitrators shall in addition to the allowance to the Company of the costs charges and expenses of the Company of and incident to the application for this Act take into consideration all the circumstances of the case.

Recovery of demands in county court.

72. Proceedings for the recovery of any demand made under the authority of this Act or the Act of 1871 or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount-recoverable in that court in a personal action.

Power to Company to apply their funds.

73. The Company may from time to time apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by the Act of 1871 or which may be in their possession or under their control and which are not required for the purposes to which they are by that Act made specially applicable.

Costs of Act.

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

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