



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. cxcvii.*

An Act to incorporate a Company for the Purpose of lighting with Gas the Parishes of *Tormoham* and *Saint Mary Church* in the County of *Devon*.

[24th July, 1854.]

**W**HEREAS the Towns of *Torquay* and *Tor* and the Parishes of *Tormoham* and *Saint Mary Church* in the County of *Devon* are at present very insufficiently supplied with Gas: And whereas the Convenience and Advantage of the Inhabitants of the said Parishes would be promoted were a Company established and authorized to construct Gasworks for supplying the said Inhabitants upon the Terms herein-after mentioned: And whereas the several Persons herein-after named, with others, are willing, at their own Expense, to undertake the Construction of such Works, but they cannot do so 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:

I. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Gasworks Clauses Act, 1847," and the "Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

[*Local.*]

37 K

II. Provided

8 & 9 Vict.  
cc. 16. & 18.  
and  
10 & 11 Vict.  
c. 15. incor-  
porated.



*The Torquay, Tor, and Saint Mary Church Gas Act, 1854.*

- Company not to take Land without Consent. II. Provided always, That nothing in the said Lands Clauses Consolidation Act contained shall authorize the Company to take or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.
- “Quarter Sessions.” III. The Expression “Quarter Sessions,” in the said incorporated Acts, shall be construed to mean the Quarter Sessions for the County of *Devon* holden at *Exeter*.
- Short Title. IV. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression “The *Torquay, Tor, and Saint Mary Church Gas Act, 1854.*”
- “The Company.” V. The Expression “the Company” in this Act shall mean the Company hereby incorporated, and the Expression “the existing Company” shall mean the Persons now supplying *Torquay* with Gas.
- Limits of the Act. VI. The Limits of this Act shall extend to and include the Parishes of *Tormoham* and *Saint Mary Church* in the County of *Devon*.
- Company incorporated. VII. *Robert Shedden Sulyarde Cary, Henry Story, Arthur Hyde Dendy*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for making Gasworks for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions in this and the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of “The *Torquay, Tor, and Saint Mary Church Gas Company*,” and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking.
- Power to hold Land limited. VIII. Provided always, That it shall not be lawful for the Company to purchase or hold for the Purposes of the Undertaking more than Three Acres of Land.
- Capital. IX. The Capital of the Company shall be Twelve thousand Pounds.
- Shares. X. The Number of Shares into which the said Capital shall be divided shall be Two thousand four hundred, and the Amount of each Share shall be Five Pounds.
- Calls. XI. Two Pounds *per Share* shall be the greatest Amount of any One Call which the Company shall make upon the Shareholders, and Three Pounds of the Amount of a Share shall be the utmost aggregate Amount of  
of

*The Torquay, Tor, and Saint Mary Church Gas Act, 1854.*

of the Calls to be made in any One Year upon any Share, and Three Months at the least shall intervene between successive Calls.

XII. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of Four thousand Pounds, but no Part of such Sum shall be raised until the whole of the said Capital or Sum of Twelve thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to borrow on Mortgage.

XIII. It shall be lawful for the Mortgagees of the Company to enforce the Payment of any Arrears of Principal and Interest by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver in the event of the Principal Monies not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

XIV. The First Ordinary Meeting of the Company shall be held in August One thousand eight hundred and fifty-four, and the subsequent Ordinary Meetings of the Company shall be held annually in the Month of August.

First and other Meetings.

XV. The Quorum for any General Meeting of the Company shall be Eight Shareholders, holding in the aggregate not less than Five hundred Pounds in the Capital of the Company.

Quorum for General Meetings.

XVI. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than Six Shareholders, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

As to convening Extraordinary Meetings.

XVII. The Number of Directors shall be Seven, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Number and Qualification of Directors.

XVIII. *Robert Shedden Sulyarde Cary, Henry Story, William Morgan Boss, George Thorne, Thomas Wolfenden, Arthur Hyde Dendy, and Henry Armstrong Rawlins*, shall be the First Directors of the Company.

First Directors.

XIX. Three shall be a Quorum of the Directors.

Quorum of Directors.

XX. Subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to construct and maintain such Gasworks and Apparatus, and such Buildings, with Approaches thereto, upon the Lands belonging to the Company, or hereby authorized to be purchased by them, and to do all such other Acts as they shall think necessary for supplying the Inhabitants within the Limits

Power to construct Gasworks, &c.



*The Torquay, Tor, and Saint Mary Church Gas Act, 1854.*

Limits of this Act with Gas, and to supply such Gas upon such Terms as shall be agreed upon between the Company and the Persons supplied therewith, and to sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas in such Manner as the Company may think proper.

Gasworks not to be constructed on certain Land.

XXI. Provided always, That it shall not be lawful for the Company to construct any Works for the Manufacture or storing of Gas on the North-eastern Side of a Line drawn South-east and North-west through the Town Hall at *Torquay*, nor in any Place within a Circle described by a Radius of One Mile from the Town Hall, and within the Parliamentary Limits described in this Act.

Power to lay Pipes for lighting Buildings.

XXII. Subject to the Provisions of this Act and the incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipes into, through, or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Consumers of Gas may be required to burn by Meter.

XXIII. Every private Consumer of Gas of the Company shall upon Request in Writing by the Company consume Gas by Meter, to be found and provided by the Company, if the Consumer shall not think fit to provide the same at his own Expense.

Limiting Charge for Supply of Gas by Meter.

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

Future Pipes to be distinguished.

XXV. All Pipes which shall be laid down by the Company within the Limits of this Act shall be of such Construction or shall be so marked as that the same may be easily distinguishable from the Pipes of any other Company or Person supplying Gas or Water within the same Limits.

Damage for accidentally injuring Pipes.

XXVI. Any Person who negligently or accidentally breaks, removes, or injures any Pipe, Lamp, Lamp Post, Lamp Iron, or other Apparatus, Matter, or Thing belonging to the Company, or wastes the Gas supplied by the Company, shall immediately upon Demand make Satisfaction to the Company for the Damage so done, or for the Gas so wasted.

Notice to be given to Company of Lights fitted up to their Mains.

XXVII. Every Person who fits up any Apparatus or Fittings whereby Gas is obtained from any Main or Pipe of the Company shall, within Seven Days after completing the same, make a Return in Writing to the Company of the Light or Number of Lights so fitted up; and in default



The Torquay, Tor, and Saint Mary Church Gas Act, 1854.

default thereof he shall pay to the Company for every Light so fitted up, and in respect of which such Notice is not so given, the Sum of Five Pounds.

XXVIII. Any Justice who issues any Warrant of Distress under this Act may order that the Costs of the Proceedings for the Recovery of the Money owing to the Company 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, and any One such Warrant may include in the Body thereof or in a Schedule thereto several Names and several Sums.

Costs of  
Distress.

XXIX. It shall not be lawful for the Company to supply Gas unless they shall have given Notice in Writing, within One Year from the passing of this Act, to the Secretary or to any One of the Directors for the Time being of the existing Gas Company at *Torquay*, undertaking to purchase of that Company their Gasworks, and the Buildings, Lands, Apparatus, Mains, Pipes, Plant, Machinery, and other Property belonging thereto or connected therewith, for the Sum of Seven thousand two hundred and fifty Pounds, and shall have paid the same at the Times and in the Manner herein-after mentioned, namely, Five thousand Pounds thereof within Two Years, and Two thousand two hundred and fifty Pounds within Three Years from the passing of this Act: Provided always, that the existing Company may elect to receive the said Sum of Two thousand two hundred and fifty Pounds in Shares in the Capital of the Company, if they give Notice of such Election within Two Years from the passing of this Act, or within such earlier Period after the Expiration of Six Months from the passing of the Act as may be required by the Company, and the Shares which may be so allotted to the existing Company shall be deemed to be fully paid up.

Company not  
to supply  
Gas until  
they have  
purchased  
existing Gas-  
works.

XXX. The existing Company shall and they are hereby required to maintain their present Works, and to carry out all Contracts which they have already entered into for the Improvement of their Works, to the Intent that all such Works shall be in good working Order and Condition at the Time when they shall be handed over to the Company.

Existing  
Company to  
keep up their  
Works, until  
purchased, in  
good Repair.

XXXI. The Trustees, Directors, or other Persons in whom the Property of the existing Company shall be vested at the Time of the Fulfilment by the Company of the before-mentioned Stipulations, shall transfer and assign to the Company (by Deed duly stamped, in which the Consideration shall be truly stated,) all the before-mentioned Works, with all the Mains, Pipes, Apparatus, Land, Buildings, and Machinery connected therewith.

On Payment  
of Purchase  
Money,  
Works to be  
assigned to  
Company.

XXXII. The Company shall from Time to Time, when thereunto required by the Local Board of Health of the District of *Tormoham* so  
[Local.] 37 L far

Company to  
light public  
Lamps as



*The Torquay, Tor, and Saint Mary Church Gas Act, 1854.*

required by  
Local Board  
of Health.

far as regards such District, or by the Vestry of the Parish of *Saint Mary Church* so far as regards such Parish, lay down sufficient Mains for the Purpose of supplying and shall supply with Gas all such public Lamps as are now or shall hereafter be erected within any Street in the said District or Parish, and also supply with Gas all the Inhabitants of the Districts within the Limits of this Act applying for the Gas whose Premises are situate in any Street in which any Main of the Company shall be laid; and such Gas shall be measured, if so required by the said Local Board of Health, or Vestry, as the Case may be, by a Meter to be placed upon One Lamp Post in every Ten: Provided always, that if the Company shall be dissatisfied with any such Requisition by the said Local Board or Vestry, it shall be lawful for the Company to appeal to the next Quarter Sessions, upon their giving to the said Local Board of Health, or to One of the Churchwardens of the said Parish of *Saint Mary Church*, as the Case may be, Ten Days previous Notice of such Appeal and of the Grounds thereof, which Sessions shall decide on the Propriety or Necessity of lighting any such Street.

Appeal.

Differences  
between  
Companies to  
be settled by  
Arbitration.

XXXIII. Any Difference which may at any Time arise between the Two Companies with respect to any of the Provisions herein-before contained relating to the Purchase of the existing Gasworks shall from Time to Time be settled by Arbitration in the Manner provided by "The Companies Clauses Consolidation Act, 1845," for the Settlement of Disputes by Arbitration.

Present  
Works to be  
discontinued  
after a cer-  
tain Time.

XXXIV. The Company shall not manufacture Gas at the Site of the existing Works for any longer Period than Eighteen Months after such Works shall be vested in them.

As to the  
Quality of  
Gas.

XXXV. All the Gas to be supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven Inch Chimney, or other approved Burner and Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Ten Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Experi-  
mental Meter  
to be pro-  
vided.

XXXVI. The Company shall within Six Months after they commence supplying Gas, erect or cause to be erected in some convenient Part of their Works an experimental Meter, furnished with an Argand Fifteen Hole Burner and a Seven Inch Chimney, or other approved Burner and Chimney, capable of consuming Five Cubic Feet of Gas by the Hour, with other necessary Apparatus for estimating the illuminating Power and for testing the Purity of the Gas.

Providing  
Test of Gas.

XXXVII. If at any Time, and as often as the Local Board of Health shall wish to test the illuminating Power and Purity of the Gas, the said  
Local



---

*The Torquay, Tor, and Saint Mary Church Gas Act, 1854.*

---

Local Board, under the Hand of their Clerk, may appoint some competent Person, not being a Member or an Officer or a Servant of the said Local Board of Health, to proceed to the Works of the Company, and such Person so appointed may, at all reasonable Times in the Daytime, and on Six Hours previous Notice in Writing given to the Company, and on the Production of such written Authority, enter the Works of the Company for the Purpose of making and forthwith in the Presence of the Superintendent or other Officer of the Company make Experiments on the Power and Purity of the Gas, by means of the experimental Meter and other Apparatus herein-before mentioned, and in such Experiments the Company, their Officers and Servants, shall render all necessary Assistance; and if it shall be proved to the Satisfaction of any Two Justices, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company, when consumed in an Argand Fifteen Hole Burner and a Seven Inch Chimney, or other approved Burner and Chimney, consuming Five Cubic Feet of Gas *per* Hour, did not equal the illuminating Power of Ten Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour, then and in every of such Cases the Company shall forfeit such Sum, not exceeding Five Pounds, as to the said Justices shall seem fit, together with all Costs and Expenses.

XXXVIII. The Local Board of Health may appoint, and from Time to Time remove and again appoint, an Inspector of Meters, to be paid by them, and such Inspector shall have at all Times on the Application of, and, if the Board of Health shall so determine, at the Expense of any Consumer of Gas supplied by the Company, a Right to inspect and test the Meters erected by the Company in the Premises of the Person making such Request, after giving Forty-eight Hours Notice of such intended Inspection to the Company, or to their Secretary, Superintendent, or other Officer.

As to Appointment of Inspector.

XXXIX. Before such Inspection the Person requiring such Examination shall deposit in the Hands of the Inspector all Money due or appearing to be due by such Person to the Company on an Account delivered, and in case such Deposit shall appear to be in excess of the Sum found to be due to the Company, such Excess shall be returned to the Consumer.

Payment of Arrears required.

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

Expenses of Act.

---

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1854.

