



ANNO DECIMO NONO

# VICTORIÆ REGINÆ.

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## *Cap. xix.*

An Act for supplying with Water the Town of *Filey* and the Environs and Neighbourhood thereof, and other Places in the East and North Ridings of the County of *York*, and for authorizing the Purchase of the *Filey* Gasworks, and for supplying the said Town with Gas ; and for other Purposes. [5th *June* 1856.]

**W**HEREAS the Town of *Filey* and the Environs and Neighbourhood thereof, in the East and North Ridings of the County of *York*, are not at present sufficiently supplied with Water, and the affording of a Supply of good and wholesome Water to the same, and other Places on the Line of the Mains and Pipes of the proposed Works, would be of great Benefit to the said Town and Places: And whereas the several Persons herein-after named, with others, are willing at their own Expense to provide such Supply of Water, and are desirous of being incorporated as a Company for that Purpose: And whereas the said Town of *Filey* is at present supplied with Gas from the Works of the Partnership known as the *Filey* Gas Company, and it would be of Advantage to the Inhabitants

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if the said intended Company were authorized to purchase the said Gasworks, and to supply with Gas therefrom the Town and Township of *Filey* and the Environs and Neighbourhood thereof: And whereas the several Objects aforesaid cannot be effected without the Aid and 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:

8 & 9 Vict.  
cc. 16. & 18.,  
and  
10 & 11 Vict.  
c. 17. incor-  
porated.

I. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, except so far as the same several Acts or any of them, or any Part or Parts thereof respectively, are expressly varied or altered by this Act.

"Quarter  
Sessions."

II. That the Expression "Quarter Sessions" in this Act and in the said incorporated Acts, shall, in relation to Matters arising within the East Riding of the County of *York*, be construed to mean the Quarter Sessions for the said East Riding holden at *Beverley*, and shall, in relation to Matters arising within the North Riding of the County of *York*, mean the Quarter Sessions for the said North Riding holden at *Northallerton*.

Short Title.

III. That in citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Filey* Waterworks Act, 1856."

Same Mean-  
ings to Words  
in the incor-  
porated Acts  
and this Act.

IV. That, except so far as there be in the Subject Matter or Context anything repugnant to or inconsistent with such Construction, the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the same respective Meanings.

Limits of  
Act.

V. That the Limits of this Act for the Supply of Water shall comprise and include the whole of the Town of *Filey*, and so much of the Environs and Neighbourhood thereof, in the East and North Ridings of the County of *York*, and also such and so many of the several Houses, Mills, Manufactories, Engines, Furnaces, and Buildings now being and hereafter to be erected and built in or near the several Roads or Places on the Line of the Mains or Pipes of the Company in the several Parishes of *Hunmanby*, *Muston*, and *Filey*, in the said East and North Ridings, as are comprised and included within the Limits for Water Supply defined upon the Plan of *Filey*, signed by the Chairman of Committees of the House of Commons, and deposited in the Private Bill Office of the said House.

VI. That



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VI. That a Copy of such Plan, showing the Limits of this Act for Water Supply, and also showing the Limits of this Act for Supply of Gas as herein-after provided, shall be deposited with the Clerk to the Company, and shall be kept at the Office of the Company, and true Copies of such last-mentioned Plan, or any Extract therefrom certified by the Clerk to the Company, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents of such Plan; and such Plan shall at all reasonable Times be open to the Inspection of all Persons receiving or requiring a Supply of Water or Gas from the Company, and such Person shall be entitled to a Copy of or Extract from such Plan, certified by the Clerk to the Company, upon Payment of a reasonable Fee for every such Copy or Extract.

Copy of Map  
or Plan to be  
Evidence.

VII. That *George Fenwick Brown, John Barrett, William Smithson Cortis, Charles Caley, Henry Fowler, William Graburn, John Hesp, Davison Philliskirk, Henry Spink, Thomas Suggit, Edward Hopper Hebden, Richard Cross, Robert Tindall, George Watson, Thomas Weddell*, and all other Persons and Corporations who have already subscribed, or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the said Limits, and for executing all necessary Works for that Purpose, together with all proper Conveniences connected therewith, according to the Provisions of the said incorporated Acts and this Act, and for other the Purposes herein and in the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The Filey Waterworks 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, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Subscribers  
incorporated.

VIII. That the Capital of the Company shall be Six thousand Pounds.

Amount of  
Capital.

IX. That the Number of Shares into which the said Capital shall be divided shall be Twelve hundred, and the Amount of each Share shall be Five Pounds.

Number and  
Amount of  
Shares.

X. That One Pound Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders; and that Two Months at the least shall intervene between the making of any Two successive Calls.

Limiting  
Amount of  
Calls, and  
Interval be-  
tween Calls.

XI. That it shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond any Sum or Sums of Money not exceeding

Power to bor-  
row on Mort-  
gage or Bond.

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exceeding in the whole a Sum equal to One Fourth Part of the Share Capital for the Time being of the Company, but no Part of such Sum shall be borrowed until the whole of the said Share Capital for the Time being shall have been subscribed for and One Half thereof shall have been paid up.

General Meetings.

XII. That all General Meetings of the Company, whether ordinary or extraordinary, shall be held within the Limits of this Act.

Quorum of Meetings.

XIII. That the Quorum for any General Meeting of the Company shall be Eight Shareholders, holding in the aggregate not less than Seven hundred Pounds in the Capital of the Company.

Number of Shareholders to convene Extraordinary Meetings.

XIV. That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Ten Shareholders, holding in the aggregate not less than Five hundred Pounds in the Capital of the Company.

Scale of Voting.

XV. That the Scale according to which Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) every Holder of Five Shares and less than Ten Shares shall be entitled to One Vote, every Holder of Ten Shares and less than Thirty Shares shall be entitled to have Two Votes, every Holder of Thirty Shares and less than Fifty Shares shall be entitled to have Three Votes, and every Holder of Fifty Shares and upwards shall be entitled to have Four Votes.

Number and Qualification of Directors.

XVI. That (subject to the Provisions herein contained for increasing or reducing the Number of Directors) the Number of Directors shall be Ten, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary the Number of Directors.

XVII. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors, but the whole Number of Directors after any such Reduction as aforesaid shall not be less than Six.

First Directors.

XVIII. That the said *George Fenwick Brown, John Barrett, William Smithson Cortis, Charles Caley, Henry Fowler, William Graburn, John Hesp, Davison Philliskirk, Henry Spink, and Thomas Suggit* shall be the First Directors of the Company.

Quorum of Directors.

XIX. That the Quorum of a Meeting of Directors shall be Four, and when the Directors are reduced to Six shall be Three.

Committee of Directors.

XX. That the Quorum of a Committee of Directors shall be Three.

XXI. That



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XXI. That the Number of Auditors shall be Two, and that *James Thompson* and *George Watson* shall be the First Auditors of the Company. Appointment of Auditors.

XXII. That no Person shall be capable of being an Auditor unless he be a Shareholder possessed in his own Right of not less than Five Shares in the Undertaking. Qualification of Auditors.

XXIII. That the Directors shall from Time to Time determine and fix the Amount of Salary or Remuneration to be paid to the Secretary and Manager. Salary of Secretary and Manager.

XXIV. That the Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this Act or the said incorporated Acts, or any of them, or by any Byelaw of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company; and of the Amount of every such Penalty; and shall cause such Particulars to be painted on a Board, or printed upon Paper or Linen and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Company; and shall also cause One of such Boards to be hung up or affixed in some conspicuous Place within the Town of *Filey*, and near each of the Reservoirs of the Company; and such hanging up and fixing shall be sufficient and effectual for all the Purposes required by the One hundred and forty-fifth Section of "The Companies Clauses Consolidated Act, 1845;" but no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required. Particulars of Penalties shall be published.

XXV. And whereas Plans and Sections showing the Lines and Levels of the proposed Reservoirs, Main Pipes, and Works, and also a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the same are intended to be made or to pass, have been deposited with the Clerk of the Peace for the East Riding of the County of *York*, and with the Clerk of the Peace for the North Riding of the said County of *York*: Be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make and maintain the said Reservoirs, and lay down, make, and maintain the said Main Pipes and Works in the Lines and upon the Lands delineated upon the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Section, and to enter upon, take, and use such of the said Lands and Springs and Streams of Water delineated on the said Plans and described in the said Book of Reference as shall be necessary for the Purposes of the Undertaking, and

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to

Power to make Works according to deposited Plan.



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to enter upon and use and lay down Mains, Pipes, and other Apparatus necessary for the Purposes of the Company upon, along, across, or under such of the Roads, Highways, Bridges, and Railways delineated on the said Plans, or such of the Lands situate on either Side of any such Roads, Highways, Bridges, or Railways, and comprised within the Limits of Deviation delineated or marked or referred to on the said Plans, as shall be necessary for the Purposes of the Undertaking, or to agree for a Lease in perpetuity of any such Lands, Springs, or Streams, or of a Right of laying down Mains and Pipes upon, across, or under any such Roads, Highways, Bridges, and Railways, as the Company may think fit.

Power to purchase or lease other Lands and Waters.

XXVI. That it shall be lawful for the Company to agree with the Owner of any other Lands or Streams, or with any Person having Power to take, use, or supply any Water which the Company may think requisite or proper to purchase or use for the Purposes of this Act, for the absolute Purchase for a Consideration in Money, or for a perpetual Lease, of such Lands, or of a Right of Way over any such Lands, or the Right and Privilege of taking and using such Streams or Water, and also to purchase or erect and provide or rent any Engine or other Power for pumping or propelling such Water, upon such Terms and Conditions as may be agreed on between the Company and such Owners or Persons.

Owners may grant Leases.

XXVII. That the Persons empowered by "The Lands Clauses Consolidation Act, 1845," to convey Lands shall have full Power to grant perpetual Leases of any Lands and Streams or Watercourses for the Purposes of this Act, or any Easement, Power, or Authority in or over such Lands or Streams: Provided always, that the Consideration for any Lease which shall be granted of any such Lands, Streams, or Watercourses, or Easements, Powers, or Authorities, in which any Person under Disability shall be interested, shall be the best yearly Rent, payable half-yearly or oftener, that can be reasonably obtained, without taking any Money by way of Fine or Premium.

Form of Lease.

XXVIII. That all Leases of Lands, Streams, or Waters to be taken on Lease by virtue of the Powers or Provisions of this or the incorporated Acts may be according to the Form in the Schedule (A.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit.

Power to purchase the Reversion of Premises comprised in Leases.

XXIX. That when any Lands, Streams, or Waters shall be taken on Lease by virtue of this Act, the Company shall afterwards have Power to purchase, by Agreement, the Discharge of such Lands or Streams or Waters from the Rents and Covenants reserved and payable in and by such Lease.

XXX. That



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XXX. That the said Reservoirs, Main Pipes, and Works shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Company for making such Reservoirs and laying down such Main Pipes, and executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Reservoirs, Main Pipes, and Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend so as to restrain the Company, after they have begun to supply Water, from extending their Mains and Pipes from Time to Time, whenever it shall be necessary for the Purpose of supplying the Inhabitants within the Limits of this Act with Water.

Period within which Works are to be completed.

XXXI. That the Water to be supplied by the Company need not be constantly laid on under Pressure beyond the Limits of the Township of *Filey*.

Water need not to be laid on under Pressure.

XXXII. That the Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Company shall be laid, furnish to such Occupier a sufficient Supply of Water for the domestic Uses of every such Occupier, at a Rate not exceeding Ten Pounds *per Centum per Annum* upon the annual Value of the Premises so supplied with Water, such Rate to be determined upon annually by the Directors.

Rates at which Water is to be supplied.

XXXIII. That such Water Rates shall be paid by the Owner or Occupier requesting the Supply of Water, and shall be payable according to the full annual Value at which the Premises shall be valued for an Assessment to the Poor Rate, or if the same shall not be in such Assessment, or if the Value thereof shall be below the real annual Value, then according to the real annual Value of the Premises, such real annual Value in case of Dispute to be ascertained and determined by Two Justices.

Rates by whom to be paid.

XXXIV. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths or Waterclosets, or for Cattle or for Horses, or for washing Carriages, where such Horses or Carriages are kept for Hire, or for the Purposes of or are the Property of a Dealer in Horses or Carriages, or a Supply of Water for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

What shall be domestic Purposes.

XXXV. That if there be a Watercloset or a private Bath or Baths in any Dwelling House supplied with Water by the Company, then, in addition to the Rates by this Act authorized to be taken for a Supply of

Rates for Waterclosets and Baths.

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of Water for domestic Purposes, the following Rates shall be payable ; that is to say,

Where the annual Value of such Dwelling House shall be under Twenty Pounds, the Sum of Six Shillings for One such Water-closet, and Six Shillings for One such Bath, and the Sum of Six Shillings for each additional Watercloset or Bath :

Where the annual Value of such Dwelling House shall be Twenty Pounds and under Thirty Pounds, the Sum of Twelve Shillings for One such Watercloset, and Twelve Shillings for One such Bath, and the Sum of Six Shillings for each additional Watercloset or Bath :

Where the annual Value of such Dwelling House shall be Thirty Pounds and upwards, the Sum of Fifteen Shillings for One such Watercloset, and Fifteen Shillings for One such Bath, and the Sum of Six Shillings for each additional Watercloset or Bath.

Water for other than domestic Purposes.

XXXVI. That it shall be lawful for the Company to supply any Person with Water for other than domestic Purposes, for such Remuneration and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water.

The Company hereby incorporated enabled to purchase the Works of the Filey Gas Company.

XXXVII. That it shall be lawful for the Company hereby incorporated, with the Consent of Three Fourths of the Votes of the Shareholders thereof who may be present, either personally or by Proxy, at any General Meeting to be called for the Purpose, to agree with the Persons constituting the Partnership called "The *Filey Gas Company*" (herein-after referred to as "the Gas Company") to purchase the Undertaking of that Company upon any Terms which may be approved of by such Meeting ; and it shall in like Manner be lawful for "the Gas Company," with the Consent of Three Fourths of the Shareholders thereof, to agree with the Company hereby incorporated to sell to them the Undertaking of the Gas Company upon any Terms which shall be approved of by such Company ; and any Conveyance which may be executed by any Three of the Directors thereof, by the Direction of Three Fourths of the Proprietors of Shares in the Gas Company, to the Company hereby incorporated, shall be valid and effectual, both at Law and in Equity, for the Purpose of enabling the said Company under such Conveyance to take all the Lands, Works, and Property, and to exercise all and every the Rights and Powers vested in or belonging to the Gas Company.

Receipt of Three Directors of Filey Gas Company to be a

XXXVIII. That the Receipt in Writing of Three of the Directors for the Time being of the said Gas Company for the Purchase Money or Securities agreed to be paid or given by the Company hereby incorporated for the Purchase of the said Undertaking of the Gas Company,







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Company hereby incorporated for the Purchase of the Gasworks of the Gas Company, upon trust to pay and discharge thereout all the Debts and pecuniary Liabilities of the Gas Company which shall then have been incurred and remain unpaid, and to divide and distribute the Residue of the said Sum between the several Persons who shall be Partners or Holders of Shares in the Gas Company, their respective Executors, Administrators, or Assigns, rateably and in proportion to the Number of their respective Shares, or other Estate or Interest therein.

Upon Payment of Purchase Money and Conveyance of Works, &c., same to vest in the Company hereby incorporated.

XLI. That immediately on Payment by the Company hereby incorporated of such Purchase Money or Securities as aforesaid to Three of the Directors of the Gas Company, and on the Execution by Three of the Directors of the Gas Company, by the Direction of Three Fourths of the Proprietors of the Shares therein, of a Conveyance (duly stamped) and in the Form as near as may be in the Schedule (B.) to this Act annexed, in which Conveyance the Consideration for the same shall be fully and truly stated and set forth, of all their Houses, Lands, Plant, Works, Mains, Pipes, Stock, and Property to the Company hereby incorporated, all the Houses, Lands, Plant, Works, Mains, Pipes, Stock, and Property comprised in such Conveyance shall, by virtue of this Act, become absolutely vested in the said Company, for all such or the like Estate or Interest as the Gas Company, or the Persons constituting the same, or any Trustees for them, were seised or possessed of, or entitled to therein at the Date of such Conveyance.

Company to be liable to the Acts of the Gas Company in respect of the Works vested in them under this Act.

XLII. That when and so soon as the said Undertaking of the Gas Company shall have become vested in the Company hereby incorporated, the Company hereby incorporated shall be liable for any Acts done or left undone by the Gas Company in relation to the Works so vested in the Company hereby incorporated, in the same Manner and to the same Extent as the Gas Company were or would have been liable in respect thereof if this Act had not been passed.

Upon the Gasworks vesting in the Company hereby incorporated, their Name to be changed, and Provisions of 10 & 11 Vict. c. 15. to be incorporated.

XLIII. That immediately upon the Undertaking of the Gas Company becoming vested in the Company hereby incorporated, the said last-mentioned Company shall assume and use the Name of "The *Filey* Water and Gas Company," and shall continue incorporated by that Name, and by that Name shall thenceforth use and exercise all the Powers vested in it by this Act and the Acts incorporated herewith; and all the Clauses and Provisions of "The Gasworks Clauses Act, 1847," shall thenceforth, so far as the same are not expressly varied by the Provisions of this Act, be incorporated with this Act, and such Clauses shall apply to the Gasworks and Works connected therewith for the Time being belonging to or vested in the *Filey* Water and Gas Company and to the said Company, and shall be construed



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strued as if the Expression "The *Filey* Water and Gas Company" had been inserted therein instead of the Word "Undertakers;" and the Expression "the Undertaking," where used in the said Clauses, shall mean the Gasworks and Works connected therewith for the Time being belonging to or vested in the said Company by virtue of this Act; and the Expression "the Special Act" shall mean this Act.

XLIV. That the Company hereby incorporated shall at least Fourteen Days before assuming and using the Name of "The *Filey* Water and Gas Company," give Notice thereof once in the *London Gazette*, and once in each of Two successive Weeks in some one and the same Newspaper usually printed or circulated in the East Riding of the County of *York*.

Company to give Notice of Change of Name.

XLV. That when the Company hereby incorporated shall assume and use the Name of "The *Filey* Water and Gas Company," the Company shall alter their Common Seal in such Manner as they shall deem necessary in consequence of such Change of Name.

On Change of Name Company to alter Common Seal.

XLVI. That all Proceedings at Law or in Equity commenced and pending by or against the *Filey* Waterworks Company at the Time of such Change of Name may be continued by or against "The *Filey* Water and Gas Company," upon a Suggestion to be entered on the Proceedings of the Change of Name.

Proceedings by or against the *Filey* Waterworks Company may be continued.

XLVII. That the Limits of this Act for the Supply of Gas shall comprise and include the Township of *Filey*, and so much of the Environs and Neighbourhood thereof as are comprised and included with the Limits for the Supply of Gas defined upon the Plan of *Filey*, deposited as herein-before provided.

Limits of Act for supplying Gas.

XLVIII. That when and so soon as the Undertaking of the Gas Company shall have become vested in the Company hereby incorporated, it shall be lawful for that Company to manufacture Gas, and to light the Streets and Places within the Limits of this Act for the Supply of Gas, and also to supply with Gas the Inhabitants of the District within such Limits, upon such Terms as shall be agreed upon between the Company and the Persons supplied with Gas; 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.

Power, after Purchase of the Gasworks, to light the District.

XLIX. That, subject to the Provisions of this Act, it shall be lawful for the Company, from Time to Time, upon the Lands and within the Limits of the said existing Gasworks, that is to say, bounded on the North and West by the Station belonging to the *North-eastern*

Power to construct Works.

Railway

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Railway Company, and the Curtilage thereof, and on the South and East by Lands belonging to Admiral *Mitford*, and in the Occupation of *Thomas Cross*, to maintain, extend, and improve the existing Gasworks, and from Time to Time, within the said Limits, to construct and maintain such additional Gasworks and Apparatus, and such Buildings for the manufacture, purifying, and storing of Gas, and to do all such other Acts as they shall think necessary for supplying the District within the Limits of this Act for the Supply of Gas with Gas, and for carrying on the Gas Business of the Company.

Power to lay  
down Pipes  
for Gas.

L. That it shall be lawful for the Company, subject to the Provisions of the "Gasworks Clauses Act, 1847," to lay down and maintain Pipes, Drains, Tunnels, and Conduits in, along, and across any Turnpike Roads, Highways, Streets, Canals, Railways, and public, private, and other Passages within the Limits of this Act for the Supply of Gas, for the Conveyance of Gas; and also, subject to the Provisions of the said Gasworks Clauses Act and this Act, to open and break up all such Streets, Highways, Roads, and Passages within the said Limits as it may be necessary to open or break up for effecting the Purposes of this Act in relation to the Supply and Distribution of Gas.

Power to lay  
Pipes for  
lighting  
Buildings.

LI. That, subject to the Provisions of the said Gasworks Clauses Act and this Act, it shall be lawful for the Company to lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipe into or 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 Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Recovery of  
Charges for  
Water or  
Gas.

LII. That in case any Person who shall have been supplied with Water or Gas by the Company, or who shall be liable to Payment in respect of a Supply of Water or Gas under or by virtue of the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Seven Days after Demand thereof by their Agent or Collector, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside, or where such Water or Gas shall have been supplied, to issue his Summons to such Person requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of such Person, or in default of Appearance after Proof of the Service of the Summons, either personally or at the last known Place of Abode or of Business of such Person, no sufficient Cause shall be shown to the contrary, it shall be lawful for any Justice to issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person, for Recovery of the Amount which may be proved before such Justice to be due from such



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such Person, together with the Expense of removing the Pipes, and such Costs, as to such Justice shall seem just and reasonable.

LIII. That in case the Company hereby incorporated shall, under the Powers of this Act, become the Purchasers of the Undertaking of "The *Filey* Gas Company," it shall be lawful for the Company hereby incorporated from Time to Time by an Order of any Special General Meeting of the said Company, to raise, in addition to the other Share Capital which they are by this Act authorized to raise, any further Sum or Sums of Money which may be necessary to effect such Purchase, or to extend and improve the said Gasworks when so purchased, not exceeding in the whole the Sum of Four thousand Pounds; and for that Purpose to issue so many additional Shares of Five Pounds each, and to be appropriated and disposed of in such Manner and to such Person or Persons, and on such Terms and Conditions, and generally in such Manner as by the Order of any such Meeting shall be determined; and all the Provisions of this Act, with regard to the Capital and Monies herein-before authorized to be raised by Shares, and to the Shares hereby authorized to be created, and to the Proprietors thereof, shall in all respects (subject to the Provisions herein contained, and to the Order of any such Meeting of the said Company) be applicable to the additional Capital and Monies hereby authorized to be raised by Shares, and to the additional Shares hereby authorized to be created, and to the Proprietors thereof.

Power to  
Company to  
raise addi-  
tional Capital  
by Issue of  
new Shares.

LIV. That, subject to the Provisions of this Act and to the Terms of Issue of any additional Shares to be created thereunder for raising the said Sum of Four thousand Pounds or any Part thereof, every Person who shall become entitled to any of such additional Shares shall, in respect thereof, be a Shareholder in the Undertaking, and shall be entitled to Dividends rateably with the Proprietors of the other Share Capital of the Company, in the Proportion which the Amount paid up on such additional Shares shall bear to the aggregate Amount for the Time being of the general Capital of the Company; and such additional Shares shall confer on the respective Holders or Proprietors thereof Rights of Voting and Qualifications in proportion to the Number of such Shares; and for such Purposes, every additional Share of Five Pounds shall be equivalent to One Share of Five Pounds in the original Capital of the Company.

Rights of  
Shareholders  
in respect of  
additional  
Shares.

LV. That all the Gas supplied by the Company shall be of such Quality as to produce from an Argand Burner, having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas *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.

Quality of  
Company's  
Gas.

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LVI. That



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Company to erect a Meter to test Gas.

LVI. That the Company incorporated by this Act shall, within Six Months after the Gasworks shall have become vested in them under this Act, 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, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Power to Justices, on Requisition, to authorize testing of Gas.

LVII. That it shall at any Time be lawful for any Two Justices of the Peace acting in and for the East Riding of the County of *York*, not being Directors or Shareholders of the Company, on receiving a Requisition, signed by not less than Five Consumers of the Gas of the Company, complaining that the Gas supplied to them is not in their Judgment and Belief of the full illuminating Power prescribed by this Act, if they shall think fit, by Order in Writing under their Hands, to appoint some competent Person to proceed to the Works of the Company; and the Person so appointed, on giving Six Hours previous Notice in Writing to the Company, 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 of the Company by means of the Experimental Meter and other Apparatus before mentioned; and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall thereupon be proved to the Satisfaction of the said Two Justices, 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 said Justices shall determine.

Cost of Experiment to be paid according to the Event.

LVIII. That the Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company, shall be paid, together with such Penalty, by the Company; but in the event of the Gas being found when tested to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid by the several Persons making such Requisition as aforesaid to the Company, and shall be paid or levied accordingly.

Expenses of Act.

LIX. That all the Costs, Charges, and Expenses of and attending the applying for and passing of this Act and incidental thereto shall be paid by the Company.

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*The Filey Waterworks Act, 1856.*

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## SCHEDULES to which the foregoing Act refers.

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SCHEDULE (A.)

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*Form of Lease.*

I \_\_\_\_\_ of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 Pounds paid to me by \_\_\_\_\_ or [*as the Case*  
*may be*] in consideration of the Sum of \_\_\_\_\_ Pounds paid to  
 me, and of the Rent herein-after reserved and made payable by the  
 Filey Waterworks Company, do hereby demise to the said Company,  
 their Successors and Assigns [*describing the Premises to be demised*],  
 together with all Ways, Rights, and Appurtenances thereunto belong-  
 ing, to hold the Premises to the said Company, their Successors and  
 Assigns, from the Day of the Date hereof, yielding and paying there-  
 fore yearly and every Year for ever the yearly Rent of \_\_\_\_\_  
 Pounds, free from Land Tax, Sewers Rates, and all other Taxes and  
 Outgoings (Property and Income Tax excepted), by \_\_\_\_\_ equal  
 Payments in the Year, the First Payment to be made on the  
 Day of \_\_\_\_\_ according to the true Intent and Meaning of the  
 Act of Parliament incorporating the said Company.

In witness whereof, I have hereunto set my Hand and Seal, and  
 the said Company have hereunto affixed their Common Seal, the  
 Day of \_\_\_\_\_ .

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SCHEDULE (B.)

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*Form of Conveyance of Filey Gasworks.*

This Indenture made the \_\_\_\_\_ Day of \_\_\_\_\_ 18\_\_\_\_,  
 witnesseth, that in consideration of the Sum of \_\_\_\_\_ Pounds,  
 paid by the Filey Waterworks Company to *A.*, *B.*, and *C.*, Three of  
 the Directors of the Filey Gas Company, under the Powers of "The  
 Filey Waterworks Act, 1856," the said *A.*, *B.*, and *C.*, by the Direction  
 of the several Persons whose Names and Seals are subscribed and  
 affixed in the Schedule of Proprietors of the Filey Gas Company  
 hereunder written, such Persons being at least Three Fourths of the  
 Proprietors of Shares in the said Company, do hereby grant, bargain,  
 sell, and convey, and *X.* and *Y.*, the Trustees of the said Company,  
 by the like Direction of the said Proprietors, do hereby grant, bargain,  
 sell, and convey all the Lands, Houses, Buildings, Retorts, Gasometers,  
 and \_\_\_\_\_

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*The Filey Waterworks Act, 1856.*

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and other Works now used by the said Gas Company for the manufacture, purifying, and storing of Gas, and all the Mains, Pipes, Meters, and Lamps, Apparatus and other Property of the said Gas Company already laid down and used for the Distribution of Gas, and other Purposes connected therewith, and all other the Property of the said Gas Company, unto the Filey Waterworks Company, to hold the same unto the Filey Waterworks Company absolutely, for the Purposes of the said Act. In witness whereof the said Filey Waterworks Company have hereunto affixed their Corporate Seal, and the said *A.*, *B.*, and *C.* and *X.* and *Y.* have hereunto set their Hands and Seals, the Day and Year first above written, and the said Proprietors have hereunto subscribed their Names and affixed their Seals on the Day set opposite thereto in the said Schedule hereunder written.

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