



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. xv.*

An Act for incorporating the *Willenhall* Gas Company, and for other Purposes. [26th *June* 1857.]

**W**HEREAS by a Deed of Settlement, dated the Twentieth Day of *September* One thousand eight hundred and thirty-six, certain Persons formed themselves into a Company, by the Name of "The *Willenhall* Gas Company," for the Purpose (amongst other Things) of manufacturing Gas, and of lighting the Houses, Buildings, Streets, and other Places in the Township of *Willenhall* in the County of *Stafford*, or within Two Miles thereof, and of selling Coke and other Products arising from Materials used in the Manufacture of Gas, with a Share Capital of Five thousand Pounds, divided into One thousand Shares of Five Pounds each, with Power to increase such Capital to the Sum of Ten thousand Pounds, either by Mortgage or by the Creation of new Shares: And whereas by a Supplemental Deed, dated the Thirtieth Day of *June* One thousand eight hundred and forty-three, further Arrangements and Regulations were made for the Conduct and Management of the Affairs of the said Company: And whereas the Capital of the said Company has been increased as authorized by the said first-mentioned Deed to the Sum of Five thousand one

Deed of Settlement, dated 29th September 1836.

Supplemental Deed, dated 30th June 1843.

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hundred



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hundred Pounds, and the same now consists of the said Sum of Five thousand one hundred Pounds, divided into Five hundred and ten Shares of Ten Pounds each, the whole of which have been fully paid up: And whereas the said Company have laid down Mains and Pipes for the Supply of Gas through a great Part of the Township of *Willenhall* and Part of the adjacent Township of *Wednesfield*, and are now supplying Gas therein: And whereas no Money is due from the said Company on Mortgage: And whereas, in addition to the said Sum of Five thousand one hundred Pounds, the said Company have appropriated to and expended upon their permanent Works the Sum of Two thousand seven hundred and fifty-four Pounds and upwards out of the Revenue and Income of their Undertaking, and which, if not so expended, would have been applicable to Dividends: And whereas, in order to meet the increased and increasing Demand for Gas in the before-named Townships, and for the Purpose of more efficiently lighting the same, it is expedient that the said Company should be incorporated, and should have Power to raise further Sums of Money, and that other Powers should be conferred upon them, and that the Limits within which their Powers are to be exercised should be defined: And whereas, as an Equivalent for the said Sum of Two thousand seven hundred and fifty-four Pounds so expended by them out of Revenue as aforesaid, it is expedient that new Shares, amounting in the aggregate to that Sum, and bearing a fixed preferential Dividend of Five Pounds *per Centum per Annum*, should be appropriated to the present Shareholders in the said Company: 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

Short Title. I. This Act may be cited for all Purposes as "*Willenhall Gas Act, 1857.*"

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

II. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," are incorporated with this Act; and in construing those Acts respectively in connexion with this Act, the Expression "the Special Act" shall mean this Act; the Expressions "the Company" and "the Undertakers" respectively shall mean the Company by this Act incorporated; and the Expressions "the Undertaking" and "the Gasworks" shall include all the Works by this Act vested in the Company, as well as the Works by this Act authorized to be executed; and the Expression "Quarter Sessions" shall mean the Quarter Sessions for the County of *Stafford*: Provided always, that nothing in  
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“The Lands Clauses Consolidation Act, 1845,” contained shall authorize the Company to purchase, take, or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

III. Except as is by this Act otherwise expressly provided, the several Words and Expressions to which by the Acts incorporated with this Act, or any of them, Meanings are assigned shall have in this Act the Meanings so assigned to them respectively, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Same Meanings to Words in this Act as in Acts incorporated.

IV. In this Act the Expression “the original Company” shall mean the Company or Partnership existing under the recited Deeds immediately before the passing of this Act; and the Expression “the Company” shall mean the Company incorporated by this Act, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Construction of certain Terms.

V. The Limits of this Act shall comprise and include the Township of *Willenhall* in the County of *Stafford*, and also the Township of *Wednesfield* in the same County, but (as regards the last-named Township) so far and so long only as may be necessary for the Purpose of continuing the Supply of Gas to the Line of Railway, Stations, Works, and Buildings of the *London and North-western* Railway Company in that Township, in accordance with the Terms of any Contract for that Purpose which was in force immediately before the passing of this Act.

Limits of Act.

VI. The present Members of or Proprietors in the original Company, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act incorporated into a Company for the Purposes mentioned in this Act, under the Name of “The *Willenhall Gas Company*,” and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions in this Act and in the Acts therewith incorporated contained.

Re-incorporation of Company.

VII. The Company is established for the Purpose of making and supplying Gas within the Limits of this Act, and for making and maintaining Gasworks for that Purpose, with all proper Works and Conveniences connected therewith, according to the Provisions and subject

Objects and Purposes of the Company.



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subject to the Restrictions in this Act and the Acts therewith incorporated contained, and also for selling and disposing of Coke and every Product, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, and for carrying on the Business usually carried on by Gas Companies, so far and in such Manner as the Company may think proper; and the Company may also manufacture and sell or deal in Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in anyway connected with Gasworks or with the Supply of Gas to the Consumers thereof, in such Manner as the Company may think proper.

Property  
vested in  
the Com-  
pany.

VIII. All the Lands, Works, Erections, and Buildings, Rights and Easements which immediately before the passing of this Act were vested in the original Company, or any Trustee or Person on their Behalf, or to which the original Company were entitled, either at Law or in Equity, and all Mains, Pipes, Plugs, Lamps, Gasometers, Retorts, Meters, Lamp Posts, Apparatus, Matters, and Things which have been by them purchased or provided, laid down, erected, or placed in any Street, Place, or House wheresoever situate, and which immediately before the passing of this Act were the Property of or belonging to the original Company, and all Monies, Securities, Credits, Contracts, Claims, Demands, Choses in Action, Effects, and other Real and Personal Property whatsoever belonging to the original Company, are by this Act vested in the Company.

Recited  
Deeds to be  
void without  
Prejudice to  
Remedies  
for ante-  
cedent  
Breaches  
thereof.

IX. After the passing of this Act, and except as is by this Act otherwise expressly provided, the said recited Deeds shall, as to any future or prospective Operations thereof, be wholly void, and the several Persons who have executed the same Deeds, or either of them, or any Deed accessory to such Deeds, or either of them, and their Heirs, Executors, and Administrators, shall, immediately after the passing of this Act, stand and be by virtue of this Act released and discharged from any future Obligation to observe, fulfil, or conform to the recited Deeds, or either of them, or the Covenants or Agreements contained in such Deeds, or in either of them.

General  
Saving of  
Rights.

X. Notwithstanding the Incorporation of the Company and the Avoidance of the recited Deeds, and except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the original Company, or the Proprietors therein in that Capacity, shall be as valid as if this Act were not passed, and the said recited Deeds had not been avoided by this Act; and such Incorporation and Avoidance and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Incorporation  
and

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and Avoidance had not happened, and this Act had not passed, would be incident to or consequent upon everything so done or suffered: Provided always, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

XI. Notwithstanding such Incorporation, or anything in this Act contained, all Purchases, Sales, Conveyances, Securities, and Contracts before the passing of this Act made and entered into by or with the original Company, or any Trustee or other Person acting on behalf of the original Company, and now in force, shall be as effectual, to all Intents, for, against, in favour of, and with respect to the Company, as if the same had been made and entered into by, to, or with respect to the Company instead of the original Company, or the Trustee or Person acting on behalf of the original Company, and may be proceeded on and enforced in like Manner, to all Intents, as if the Company were Party or privy thereto, or referred to therein, instead of the original Company, or any Person on their Behalf.

Contracts,  
&c. pre-  
served.

XII. Notwithstanding such Incorporation, or anything in this Act contained, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the original Company, or any Trustee or Member thereof, in relation to the Affairs of the original Company, or to which the original Company, or any Trustee or Member thereof, in relation to such Affairs, shall be Parties immediately before the passing of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Company, in the same Manner to all Intents and Purposes as the same might have taken effect in favour of and against the original Company, or any Trustee or Member thereof, if this Act were not passed, the Company being, in reference to the Matters aforesaid, substituted for the original Company or the Trustees or Members thereof.

Actions, &c.  
not to abate.

XIII. All Persons who immediately before the passing of this Act owed any Money to the original Company, or to any Trustee or Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Company; and all Debts and Monies which immediately before the passing of this Act were due or owing by or recoverable from the original Company, or for the Payment of which the original Company were, or but for the passing of this Act would have been, liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Company.

Debts due  
to or by the  
original  
Company to  
be paid to  
or by the  
Company.

XIV. All Rates, Rents, and Sums of Money immediately before the passing of this Act due and payable or accruing to the original  
[Local.]    3 D    Company

Rates or  
Rents to be  
recovered.



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Company shall be payable to and may be collected and recovered by the Company in the same Manner as Rates or Rents under this Act.

Judgments  
in respect of  
existing  
Liabilities  
may be  
enforced  
against  
individual  
Proprietors.

XV. Provided always, That if any Judgment, Decree, or Order shall at any Time after the passing of this Act be obtained against the Company in respect of any Debt or Liability owing or incurred, or in respect of any Contract made or Tort committed by the original Company before the passing of this Act, and such Judgment, Decree, or Order shall not, after due Diligence for that Purpose shall have been used, be fully satisfied out of the Property and Effects of the Company, then and in every such Case such Judgment, Decree, or Order may be enforced and Execution thereof issued against the Person, Property, and Effects of any Person who shall have been a Member of the original Company immediately before the passing of this Act, or at the Time at which the Contract shall have been made or Tort committed in respect of which such Debt or Liability shall have accrued or have been incurred, in the same Manner in all respects as if this Act were not passed.

Proprietors  
against  
whom Exe-  
cution issued  
in respect of  
existing Lia-  
bilities to be  
reimbursed.

XVI. Provided also, That every Person against whom or against whose Property or Effects Execution upon any such Judgment, Decree, or Order as aforesaid shall have been issued, shall be entitled to recover against the Company all Loss, Damages, Costs, and Charges which such Person may have incurred by reason of such Execution, and that after due Diligence used to obtain Satisfaction thereof against the Property and Effects of the Company, such Person shall be entitled to Contribution for so much of such Loss, Damages, Costs, and Charges as shall remain unsatisfied from the several other Persons against whom Execution upon such Judgment, Decree, or Order obtained against the Company might also have been issued under the preceding Section, and that such Contribution may be recovered from such Persons as aforesaid in the same Manner as Contributions in ordinary Cases of Copartnership.

Trustees of  
original  
Company to  
be idemni-  
fied.

XVII. Every Trustee or other Person in whom or in whose Name any Lands, Works, Erections, Buildings, or Property belonging to the original Company were vested immediately before the passing of this Act, and who shall have entered into any Bond, Covenant, Contract, or Engagement in respect of or with reference to such Lands, Erections, Buildings, or Property, or who shall have entered into any other Contract on behalf of the original Company, shall be indemnified and saved harmless out of the Funds or Property of the Company from all Liability and against all Loss, Costs, Charges, and Expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such Bond, Covenant, Contract, or Engagement.

XVIII. It

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XVIII. It shall not be lawful for the Company to purchase or hold for the Purpose of the Undertaking, at any One Time, more than One Statute Acre of Land.

Power to purchase Lands limited.

XIX. Subject to the Provisions of this Act and in the Acts therewith incorporated contained, the Company may maintain and from Time to Time renew, alter, or discontinue the existing Gasworks and Apparatus, Buildings, and Approaches, and from Time to Time may construct and maintain such additional Gasworks, and also Retorts, Gasometers, Machinery, and other Works and Apparatus, and such Houses, Buildings, and Approaches upon the Lands by this Act vested in or authorized to be held or purchased by the Company as they shall think proper, and may do all other Acts necessary for the Purpose of supplying Gas within the Limits of this Act; and they may make and supply Gas accordingly, and may sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas in such Manner as they may think proper: Provided always, that nothing in this Act or in the Acts therewith incorporated contained shall authorize the Company to erect any Works for the Manufacture of Gas elsewhere than on the Part of the Land on which the Works for the Manufacture of Gas by this Act vested in the Company are placed.

Company may maintain existing Gasworks and erect others.

XX. The Capital of the Company for the Purposes of this Act shall be Fifteen thousand Pounds, and Five thousand one hundred Pounds, Part of that Capital, shall be divided into One thousand and twenty Shares, of the nominal Value of Five Pounds each, to be called the Class A. Shares, and Two thousand seven hundred and fifty-four Pounds, other Part of that Capital, shall be divided into One thousand and twenty Shares, of the nominal Value of Two Pounds and Fourteen Shillings each, to be called the Class B. Shares; and both the Class A. Shares and the Class B. Shares shall be deemed fully paid up.

Capital.

XXI. The Class A. Shares and the Class B. Shares shall be divided amongst the Proprietors who immediately before the passing of this Act composed the original Company, in the Proportion of Two Class A. Shares and Two Class B. Shares for each Share of Ten Pounds held by them respectively in that Company, and shall respectively be subject to the same Trusts, Powers, Provisions, Declarations, and Agreements as the Share or Shares for which they are respectively substituted was or were subject or liable to immediately before the passing of this Act; and those Class A. Shares and Class B. Shares are by this Act vested in such Proprietors accordingly, and so as to give effect to and not revoke any testamentary Disposition affecting the Shares in respect of which they are respectively substituted.

Appropriation of Shares amongst Proprietors of original Company.

XXII. The



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Preference  
Dividend on  
Class B.  
Shares.

XXII. The Class B. Shares shall entitle the Holders thereof to a fixed perpetual preferential Dividend after the Rate of Five Pounds in the Hundred by the Year, to be paid before any Dividend shall be paid by the Company on any other Share in the Capital.

Additional  
Capital to  
be raised by  
Creation of  
new Shares.

XXIII. The Company may from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any General Meeting specially convened for that Purpose, raise, by the Creation of new Shares of such Amount or nominal Value as they think fit, such Part of the Capital of the Company as shall not for the Time being have been raised.

Disposal of  
new Shares.

XXIV. When any such Shares are created, the Directors may dispose of the same in such Manner as they may deem most for the Advantage of the Company.

Calls.

XXV. The Amount of any Call shall not exceed One Pound and Five Shillings *per* Share, and the Interval between any Two successive Calls shall not be less than Two Months, and the aggregate Amount of Calls to be made on any Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

Limiting  
Rate of  
Dividends.

XXVI. With reference to the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profits to be received by the Undertakers where the Gasworks are carried on for their Benefit, the prescribed Rate of Profits to be divided among the Undertakers shall be, as regards the Class A. Shares, Ten Pounds in the Hundred by the Year; as regards the Class B. Shares, Five Pounds in the Hundred by the Year; and as regards all other Shares in the Capital of the Company, Seven Pounds and Ten Shillings in the Hundred by the Year, on the Amount for the Time being paid up on those other Shares, unless larger Dividends shall be at any Time necessary to make up the Deficiency of any previous Dividends which shall have fallen short of the said prescribed Rates; but no such Deficiency shall be made up at any Time after the Expiration of Three Years from the Period when the same occurred.

Power to  
borrow  
Money  
forthwith.

XXVII. And whereas the Capital of the original Company actually paid up and expended on their Undertaking amounts to the Sum of Five thousand one hundred Pounds, besides the said Sum of Two thousand seven hundred and fifty-four Pounds so expended out of their Revenue as aforesaid, and they have no Mortgage Debt: Therefore the Company may, at any Time and from Time to Time after the passing of this Act, borrow on Mortgage or Bond any Sums not exceeding in the whole (until the whole of the Residue of the Capital to be raised by new Shares shall have been subscribed for, and One  
Half



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Half thereof shall be paid up) One thousand seven hundred and fifty Pounds.

XXVIII. When and so soon as the whole of the Residue of the Capital to be raised by new Shares shall have been subscribed for, and One Half thereof shall have been paid up, the Company may from Time to Time borrow on Mortgage any further Sums of Money, not exceeding in the whole, together with any Sums previously borrowed by them on Mortgage or Bond, and for the Time being remaining due, the Sum of Three thousand seven hundred and fifty Pounds.

Further  
borrowing  
Powers.

XXIX. All Money to be raised under the Powers of this Act, whether by means of Shares or by Exercise of the Powers of borrowing, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Application  
of Money.

XXX. The Number of Directors shall be Five, of whom Three shall be a Quorum, unless and until the Company shall exercise the Power of reducing the Number of Directors given to them by this Act.

Number of  
Directors.

XXXI. The Company may from Time to Time reduce the Number of Directors, but the whole Number of Directors, after any such Reduction, shall not be less than Three.

Power to  
reduce the  
Number of  
Directors.

XXXII. No Person shall be capable of being a Director unless he be possessed in his own Right of Shares of the aggregate nominal Value of One hundred Pounds at the least in the Undertaking.

Qualification  
of Directors.

XXXIII. The Persons who at the Time of the passing of this Act are the Directors of the original Company shall be the First Directors of the Company.

First Direc-  
tors.

XXXIV. The Directors appointed by this Act shall continue in Office until the Ordinary Meeting to be held in the Month of *August* One thousand eight hundred and fifty-eight, at which Meeting they shall all retire from Office; and at such Meeting the Shareholders present, either personally or by Proxy, may continue in Office the Directors appointed by this Act, or any of them, and shall elect new Directors to supply the Place of those not continued in Office; and in every Year after such Election, but subject to the Provisions contained in this and the incorporated Acts for reducing the Number of Directors, Two and Three alternately of the Directors shall retire in manner provided by "The Companies Clauses Consolidation Act, 1845."

As to Re-  
tirement of  
Directors.

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XXXV. If

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Company to supply Vacancies if all the Directors resign.

XXXV. If at any Time the whole Body of the Directors shall simultaneously resign, or cease to be Directors from any Cause whatsoever, the Company may, at the First Ordinary or Extraordinary Meeting which shall be held after such Event as aforesaid shall have occurred or become known, elect such Number of Shareholders of the Company duly qualified as shall for the Time being be necessary to supply the Place of the Body of Directors which shall have so ceased to exist; and the Shareholders so elected shall be the Directors, and shall continue in Office during the same Period, and be subject to the same Regulations as to retiring from Office and otherwise, in all respects as the Directors in whose Places they shall have been elected would have continued and been subject to in case they had remained in Office (except that at the First Period for the Retirement of Directors occurring next after such Election, the Number and Order of Directors to go out of Office shall, unless they otherwise agree, be determined by Ballot among themselves); nevertheless every Director so resigning may be re-elected immediately, or at any future Time.

Meetings of Directors.

XXXVI. The Directors shall meet together half-yearly on the Third *Tuesday* in the Month of *February* and the Third *Tuesday* in the Month of *August*, and at such other Times and at such Place within the Limits of this Act, or in the Town of *Wolverhampton*, as they may from Time to Time appoint.

Present Officers to continue.

XXXVII. The Treasurer and every Clerk and Officer appointed by the original Company, and in Office at the Time of the passing of this Act, shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer of the Company until he be removed from such Office, and shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties in all respects as if he were appointed under this Act.

First and other General Meetings.

XXXVIII. The First General Meeting of the Shareholders of the Company shall be held within Two Months after the passing of this Act, and a General Meeting shall be held in the Month of *August* in each Year, and at such other stated Periods as shall be appointed for that Purpose by an Order of any General Meeting or of the Directors; and all Meetings, whether Ordinary or Extraordinary, shall be held at some Place within the Limits of this Act or in the Town of *Wolverhampton*, to be appointed by the Directors; and the Balance Sheet to be produced at each such Meeting (except the First), or any Adjournment thereof, shall embrace and extend to the Transactions of the whole preceding Year.

XXXIX. The



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XXXIX. The Quorum for a General Meeting shall be Five Shareholders, holding Shares of the aggregate nominal Value of Two hundred and fifty Pounds at the least in the Capital of the Company.

Quorum of General Meetings.

XL. The Directors shall, Five Days at least before any Ordinary Meeting of the Company, send a printed Copy of the Balance Sheet and Auditors Report to every Shareholder, according to his registered Address; and shall at such Meeting of the Company cause such Report to be read, together with the Report of the Directors: Provided always, that the Books of the Company need not be balanced, or any Auditors Report sent, before the First General Meeting to be held after the passing of this Act.

Printed Copy of Balance Sheet and Auditors Report to be sent to Shareholders.

XLI. The Number of Shareholders who may convene Extraordinary Meetings of the Company shall be Five, holding Shares in the Capital of the Company of the aggregate nominal Value of Five hundred Pounds at the least.

Extraordinary Meetings may be convened by Shareholders.

XLII. The Scale according to which Shareholders may vote in respect of their Shares shall be as follows:

As to Votes of Shareholders.

For any Number of Shares of less aggregate nominal Value than Fifty Pounds, One Vote:

For any Number of Shares of the aggregate nominal Value of Fifty Pounds, or any greater aggregate nominal Value less than One hundred Pounds, Two Votes:

For any Number of Shares of the aggregate nominal Value of One hundred Pounds, or any greater aggregate nominal Value less than One hundred and fifty Pounds, Three Votes:

For any Number of Shares of the aggregate nominal Value of One hundred and fifty Pounds, or any greater aggregate nominal Value less than Two hundred Pounds, Four Votes:

For Shares of the aggregate nominal Value of Two hundred Pounds or more, Five Votes.

XLIII. In all Proceedings against the Estate of any Bankrupt or Insolvent, or under any Adjudication in Bankruptcy, Sequestration, or Act of Insolvency, any Person appointed for that Purpose by the Company under their Common Seal may represent the Company, and act in their Behalf in all respects as if the Claim or Demand of the Company against such Estate were the Claim or Demand of such Person and not of the Company.

Proof of Debts in Bankruptcy.

XLIV. Subject to the Provisions in this Act and in the Acts therewith incorporated contained, the Company may, with the Consent of the Owner and Occupier of any Building, lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipe into, through, or against

Company may lay Pipes for lighting Buildings and remove same.

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against such Building for the Purpose of lighting the same, and may provide and set up any Apparatus necessary for securing to such Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply, and may from Time to Time repair, replace, alter, or discontinue and remove any such Pipes, Branch, or Apparatus.

Company  
may require  
Consumers  
to use  
Meters.

XLV. Every Consumer of Gas supplied by the Company shall, upon being required by the Company by Notice in Writing so to do, consume the Gas so supplied by Meter, to be provided either by the Company at the Expense of the Consumer, or (at the Option of the Consumer) by the Consumer, and approved by the Company.

Limiting  
Price of Gas.

XLVI. The Company may demand and receive for the Supply of Gas such Rents or Remuneration as may be agreed upon by them and the Person requiring the Supply, but after the Thirty-first Day of *December* next after the passing of this Act the highest Charge to be made by the Company in respect of Gas supplied by Meter shall be Six Shillings for every Thousand Cubic Feet: Provided always, that nothing in this Act contained limiting the Price to be charged for Gas supplied by the Company shall affect any Contract in force at the Time of the passing of this Act.

As to the  
Quality of  
Gas.

XLVII. 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, or other approved Burner and Chimney, consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Twelve Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Experi-  
mental Me-  
ter to be  
provided.

XLVIII. The Company shall, within Six Months after the passing of 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, or other approved Burner and 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  
Local Board  
of Health to  
test the  
Purity of  
Gas.

XLIX. It shall at any Time be lawful for the Local Board of Health for the District of *Willenhall*, by Order in Writing, to appoint some competent Person, not being a Member or Officer or Servant of such Board, 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



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make Experiment of the illuminating Power of the Gas, by means of the experimental Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall be proved to the Satisfaction of any Two Justices, not being Directors or Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refuse 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.

L. 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 Local Board of Health to the Company, and shall be paid or levied accordingly.

Costs of Experiment to be paid according to the Event.

LI. The Company may recover the Price or Rent of any Pipe, Burner, Meter, Lamp, or Fitting sold, delivered, or lent to Hire by them, in the same Manner as they may recover Rent due for the Supply of Gas under the Provisions of "The Gasworks Clauses Act, 1847;" and in addition to the Power given by "The Gasworks Clauses Act, 1847," in this Behalf, the Company may recover the Rent of any Gas supplied by them, or the Price or Rent of any such Pipe, Burner, Meter, Lamp, or Fitting as aforesaid, together with the Expense of cutting off the Service Pipe or Gas, by Action in any Court of competent Jurisdiction, although the Demand in respect thereof may be less than Twenty Pounds.

Recovery of Rent and Price for Gas Fittings.

LII. Any One Warrant issued for any of the Purposes of this Act may contain, in the Body thereof or in a Schedule thereto, several Names and several Sums.

Several Names, &c. in One Warrant.

LIII. Any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for the Recovery of the Money to be levied shall be paid by the Person liable to pay such Money, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Costs of Distress.

[Local.]

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LIV. No

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*Willenhall Gas Act, 1857.*

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Liability to  
Gas Rate, not  
to disqualify  
Justice.

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

Penalties not  
to be cumu-  
lative.

LV. Penalties imposed on the Company for One and the same Offence by several Acts of Parliament shall not be cumulative, and for this Purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Saving  
Rights of  
Local Board  
of Health.

LVI. Nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or in any Manner interfere with the Rights, Powers, Privileges, or Authorities of the Local Board of Health for the District of *Willenhall*, under "The Public Health Act, 1848," and "The Public Health Supplemental Act, 1854," or any or either of them, except so far as the same are inconsistent with the Provisions of this Act, or any of them, or are expressly varied or altered by this Act.

Expenses of  
Act.

LVII. The Costs and Expenses incurred in obtaining this Act, and all Expenses incurred preparatory or relating thereto, shall be paid by the Company.

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