

The Burslem and Tunstall Gas Company's Act, 1857.

Pounds each, all fully paid up, and the Company have raised Moneys on Mortgage and Loan to the Amount or Sum of Three thousand Pounds, and they have expended such Money in carrying the Purposes of their Undertaking into effect: And whereas Four of the Directors and the Clerk of the Company have lent the Company a Sum of Two hundred Pounds each, making in all the Sum of One thousand Pounds, which has also been expended for the Purposes of the said Undertaking: And whereas, in addition to the said Sums of Eight thousand Pounds, Three thousand Pounds, and One thousand Pounds, the Company have expended upon their permanent Works the Sum of Two thousand Pounds and upwards out of or from their Revenue or Income, and which Sum of Two thousand Pounds, if not so expended, would have been applicable to Dividends in the Proportion of One Pound Five Shillings to every Share of Five Pounds; and it is expedient that the Company should be empowered to consider the said Sum of Two thousand Pounds as a Debt due by the Company, and to divide the same amongst the existing Shareholders: And whereas the Company have erected Gasworks and Buildings at *Longport* in the said County of *Stafford*, and have laid down Mains and Pipes in and under the Streets, Highways, and Places of the Town of *Burslem* and Villages of *Longport* and *Cobridge* in the said County, and now supply the Inhabitants with Gas for public and private Purposes: And whereas it is expedient that the Company be incorporated, and that they be authorized to raise further Moneys by Shares and by borrowing, and to construct additional Works, and that the Limits within which their Powers shall be exercised be declared and defined by this Act: 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; (that is to say,)

Short Title. I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Burslem and Tunstall Gas Company's Act, 1857.*"

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 15. incorporated.
Construction of Terms.

II. The several Acts of Parliament following, (that is to say,) "*The Companies Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Act, 1845,*" (except the Clauses of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement,") and "*The Gasworks Clauses Act, 1847,*" shall be incorporated with and form Part of 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

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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 of the Company executed and to be executed.

III. The several Words and Expressions to which Meanings are respectively assigned by the Acts incorporated therewith, or any of them, shall have in this Act the same respective Meanings; and the Expression "the original Company" in this Act means the *Burslem and Tunstall Gaslight Company* constituted under the recited Deeds of Settlement; and the Expression "the Company" in this Act means the Company hereby incorporated; and the Expression "the Local Board" means the Local Board of Health for the District of *Burslem*; and the Word "Undertaking" means all the Property and Powers of the Company of whatever Nature, unless there be something in the Subject or Context repugnant to such respective Constructions.

Same Meaning to Words in this Act as in the incorporated Acts.

IV. The Limits of this Act shall comprise and include the several Parishes, Towns, Townships, Hamlets, Villages, and Places of *Burslem, Rushton-Grange, Sneyd, Abbey-Hulton, Cobridge, Sneyd-Green, Tunstall* otherwise *Tunstall Court, Sandyford, Longport, Brownhills, and Wolstanton*, all in the said County of *Stafford*.

Limits of Act.

V. The original Company is hereby dissolved, and the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the original Company, and the several Persons and Corporations who shall hereafter subscribe to or become Proprietors of Shares in the Undertaking, and their respective Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purpose of making and supplying Gas, Coke, and Tar within the Limits of this Act, and for continuing, extending, maintaining, and from Time to Time renewing Gasworks for that Purpose on the Premises herein-after mentioned, with proper Works and Conveniences connected therewith, according to the Provisions of this Act and of the Acts therewith incorporated; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Burslem and Tunstall Gas Company*," and by that Name shall be a Body Corporate with perpetual Succession, and shall sue and be sued, and shall have a Common Seal, and Power to hold Lands for the Purposes of the Undertaking.

Incorporation of the Company.

VI. Provided always, That it shall not be lawful for the Company to purchase or hold for the Purposes of the Undertaking, at any One Time, more than Five Acres of Land, and that the Company shall not make or erect any Works for the Manufacture of Gas upon the Lands

Land to be held by the Company.

to

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to be acquired by virtue of this Act, unless such Lands shall be situate adjoining to the Lands now in possession of the Company used for the Manufacture of Gas.

Objects and
Purposes of
the Com-
pany.

VII. The Company shall be established for the Purposes 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 herein and in the Acts incorporated herewith contained, and also for selling and disposing of Coke, and of 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, 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.

Property of
the original
Company
vested in
Company
incorporated
by this Act.

VIII. All Lands, Works, Erections, Buildings, Rights, and Easements which immediately before the passing of this Act were vested in the original Company or any Person on their Behalf, or to which the original Company were entitled either at Law or in Equity, and all Mains and Pipes, Plugs, Lamps, Irons, Gasometers, Retorts, Meters, Apparatus, Matters, and Things which have been by them purchased or provided, laid down, erected, or placed in any Place or House within the Limits of this Act, and which immediately before the passing of this Act were the Property of or belonging to the original Company, and all Moneys, Securities, Credits, Effects, Choses in Action, and other Property whatsoever vested in the original Company, or in any Trustees on their Behalf, shall be and the same are hereby vested in the Company.

Deeds of
Settlement
made void,
but without
Prejudice to
Remedies for
antecedent
Breaches
thereof.

IX. Subject to the Provisions of this Act, the said Deeds of Settlement shall, as to any future or prospective Operations thereof from and after the passing of this Act, be wholly void and of none Effect, and the several Persons who shall have executed the said Deeds or either of them, and their Heirs, Executors, and Administrators, shall immediately from and after the passing of this Act stand and be by virtue thereof released and discharged from any future Obligation to observe, perform, abide by, fulfil, or conform to the said Deeds of Settlement, or either of them, or the Covenants or Agreements therein respectively contained: Provided always, that nothing herein contained shall release or discharge any Person from any Liability or Obligation in respect of any Breach of the Provisions of those Deeds which may have been incurred prior to the passing of this Act, but such Liability or Obligation shall subsist and continue, and may be enforced according to the Provisions of those Deeds.

X. Notwith-

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X. Notwithstanding the Incorporation of the Company and the Avoidance of the said Deeds of Settlement by this Act, 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 Shareholders therein in that Capacity, shall be as valid as if the Company had not been incorporated and the said 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 the Company were not incorporated and the said Deeds were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and everything so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents and Purposes represent the original Company, and the Shareholders therein, in their Capacity of Shareholders: Provided always, that the Generality of the Provisions contained in this Enactment shall not be confined or restricted by any Provision of this Act.

Saving previous Rights and Liabilities.

XI. All Deeds, Contracts, Bonds, and Agreements entered into or made before the passing of this Act by or with the original Company, or any Trustees or any Persons acting on behalf of the original Company, and in force at the Time of the passing of this Act, shall be as binding and of as full Force and Effect in all respects against or in favour of the Company, and may be enforced as fully and effectually as if, instead of the original Company, or the Trustees or Persons acting on behalf of the original Company, the Company had been a Party thereto; and all Bodies Politic or Corporate and all Persons whomsoever who immediately before the passing of this Act owed to the original Company any Rents or Remuneration for Gas or for Meters, any Calls upon Shares, or any other Sums of Money, shall be liable for the Payment thereof to the Company; and in case of Non-payment thereof, or of any Part thereof, the Company may proceed for the Recovery thereof, and recover the same in such and the same Manner, and shall and may exercise the same Remedies in respect thereof, as if the same were due to the Company under the Provisions of this Act.

Contracts prior to Act to be binding.

XII. Nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which shall be pending by or against the original Company, or any Member thereof, in relation to the Affairs of the original Company, or to which the original Company or any Member thereof in relation to such Affairs shall be Parties immediately before the passing of this Act; but any such Action, Suit, or other Proceeding may be

Actions, &c. not to abate.

[Local.]

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maintained,

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maintained, prosecuted, or continued by, in favour of, or against the Company, as the Case may be, in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the original Company, or any Member thereof, if this Act had not been passed, the Company being in reference to the Matters aforesaid in all respects substituted for the original Company or the Members thereof.

As to Recovery of Debts of the original Company.

XIII. All Debts owing by the original Company immediately before the passing of this Act may be enforced against the Company in the same Manner as if such Debts had been incurred by the Company after the passing of this Act.

Judgments in respect of existing Liabilities may be enforced against Individual Shareholders.

XIV. 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 or after the Time at which the Contract shall have been made or Tort committed in respect of which such Debt or Liability shall have accrued or have been incurred, in the same Manner in all respects as if this Act had not been passed.

Shareholders against whom Execution issued in respect of existing Liabilities to be reimbursed.

XV. 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 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 in ordinary Cases of Copartnership.

Trustees of the Company to be indemnified.

XVI. Every Trustee or other Person in whom or in whose Name any Lands, Works, Erections, Buildings, or Property belonging to the

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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.

XVII. The Capital of the Company shall consist of Eight thousand Pounds, the Capital of the original Company at the Time of the passing of this Act, and Fifteen thousand Pounds to be raised by the Issue of new Shares, making together the Sum of Twenty-three thousand Pounds. Capital of Company.

XVIII. Eight thousand Pounds, Part of the said Capital, shall be divided into One thousand six hundred Shares of Five Pounds each, which shall be divisible amongst the several Persons who immediately before the passing of this Act were the Holders of the One thousand six hundred then existing Shares of Five Pounds in the Capital of the original Company, and every such Share shall be deemed fully paid up; and the additional Capital of Fifteen thousand Pounds shall be divided into such Number of Shares, and of such Value respectively, as the Directors of the Company shall from Time to Time determine. Division of Capital into Shares.

XIX. Every Person who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares of Five Pounds each in the Capital of the original Company shall, in respect thereof, be possessed of or entitled to a like Number of Shares in the Capital of the Company, and such Shares are respectively hereby vested in such Persons accordingly. New Shares vested in Holders of existing Shares.

XX. Fresh Certificates of Shares shall be issued to the Shareholders in the Company in substitution of the Certificates of Shares which shall be existing and valid at the Time of the passing of this Act. Fresh Certificates of Shares to be issued.

XXI. All Persons and Corporations in whom any Share or Shares in the Capital of the Company under this Act shall become vested under the Provisions aforesaid shall stand and be possessed of every such Share upon the same Trusts and subject to the same Powers, Provisions, Declarations, and Agreements Charges, and Incumbrances, as the Trusts, Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, upon and to which the original Share or Shares New Shares to be subject to the same Trusts as the old.

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Shares was or were subject and liable at the Time of the passing of this Act, and so as to give effect to and not revoke or prejudicially affect any Deed, Will, or other Instrument disposing of or affecting such original Share or Shares respectively.

New Shares to be first offered to existing Shareholders.

XXII. Whenever any Shares are newly created for augmenting the Capital of the Company, they shall be offered to the then Shareholders in proportion, as nearly as can be conveniently done, to the Number of Shares held by them respectively.

How Offer to be made, and Shares to vest in Persons accepting Offer and paying Calls.

XXIII. Such Offer shall be made by Letter under the Hand of the Secretary of the Company, given to or sent by Post to each Shareholder, or left at his usual or last known Place of Abode, or addressed to his last Address appearing in the Shareholders Address Book by "The Companies Clauses Consolidation Act, 1845," required to be kept, and such newly created Shares shall vest in and belong to the Shareholders who shall accept the same and pay to the Company the Price at which the same were allotted to them, at such Times, and in such Manner, and by such Instalments as shall be fixed by the Directors of the Company.

As to Disposal of Shares not taken by Proprietors.

XXIV. If any Proprietor fail for One Month after such Offer of newly created Shares to accept the same, or to pay any of the Instalments called for in respect thereof, the Directors may dispose of such Shares to any Party willing to become the Purchaser thereof for such Sum as the Directors can obtain for the same, or otherwise as they think proper.

Power to enlarge Time for accepting new Shares.

XXV. Provided always, That the Directors (if they think proper, but not otherwise,) may permit any Shareholder who, from Absence abroad or other Cause satisfactory to the Directors, shall omit to signify within such One Month his Acceptance of the new Shares offered to him, to accept them notwithstanding that Time may have elapsed.

Calls.

XXVI. The Amount of any Call shall not exceed One Pound 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 on any Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

As to closing Transfer Books.

XXVII. The Directors may close the Register of Transfers before the Day fixed for the Payment of any Dividend, in like Manner as they may close such Register before an ordinary Meeting.

Limits of Dividends.

XXVIII. With reference to the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profit to be received

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received by the Undertakers when the Gasworks are carried on for their Benefit, the prescribed Rate of Profits to be divided amongst the Undertakers in any One Year shall not exceed Ten Pounds in the Hundred on the Capital Stock of Eight thousand Pounds into which the existing Share Capital of the Company is by this Act divided, and Seven Pounds Ten Shillings in the Hundred on all Capital of the Company for the Time being paid up on the new Shares to be created under the Authority of this Act.

XXIX. The Company may at any Time and from Time to Time after the passing of this Act borrow on Mortgage or Bond (in addition to the existing Mortgage or Bond Debt of Three thousand Pounds,) any Sum not exceeding in the whole (when Seven thousand five hundred Pounds of the additional Capital to be raised by new Shares shall have been subscribed for and One Half paid up,) One thousand three hundred and seventy-five Pounds.

Power to borrow Money on Mortgage.

XXX. When and so soon as the whole of the additional Capital of Fifteen thousand Pounds shall have been subscribed for and One Half thereof shall have been paid up, the Company may from Time to Time borrow on Mortgage or Bond, for the Purposes of their Undertaking, any further Sums of Money not exceeding in the whole, together with any Sums previously borrowed by them and remaining due, the Sum of Five thousand seven hundred and fifty Pounds.

Further borrowing Powers.

XXXI. If the Company shall at any Time pay off any Part of the Sums authorized to be borrowed by this Act, it shall be lawful for them again to borrow the Sum so paid off, and so from Time to Time, as often as Occasion shall require.

Power to re-borrow Moneys paid off.

XXXII. The Company may (if they think proper, but not otherwise,) give Notice to all Persons holding any Mortgage, Bond, or other Security due and owing by the *Burslem and Tunstall Gaslight Company*, requiring them to deliver such Mortgages, Bonds, or other Securities to the Clerk of the Company, in order that the same may be cancelled, and that Mortgages or Bonds in the Form prescribed by "The Companies Clauses Consolidation Act, 1845," may be delivered to such Persons respectively, in lieu of the Mortgages, Bonds, or other Securities so to be cancelled; and the Company shall at their own Expense, within Twenty-eight Days after the Delivery to their Clerk of any such Mortgage, Bond, or other Security, issue to the Person entitled thereto a Mortgage or Bond in the Form prescribed by "The Companies Clauses Consolidation Act, 1845," for securing Payment of the same Amount of Money at the like Rate of Interest as was secured by the Mortgage, Bond, or other Security in substitution for which such new Mortgage or Bond shall be issued,

Company to call in existing Securities, and grant new Mortgages in lieu thereof.

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and thereupon the Mortgage, Bond, or other Security so delivered to the Clerk of the Company shall be cancelled: Provided always, that all Mortgages or Bonds either granted before this Act or granted by virtue of this Act in substitution for any of such existing Mortgages, Bonds, or other Securities shall during the Continuance thereof have Priority over any other Mortgages and Bonds granted by virtue of this Act.

Application
of Moneys
received by
Company.

XXXIII. The Company shall apply the Moneys which shall be received by them in respect of the new Shares, in the first place, in Payment of the Costs and Expenses incurred in obtaining this Act and all Expenses incurred preparatory or relating thereto, and the Company shall in the next place pay off the Sum of One thousand Pounds now due and owing to some of the Directors and to the Clerk of the original Company as aforesaid; and the Company shall in the next place pay off and distribute the Sum of Two thousand Pounds, expended out of Revenue or Income as aforesaid, amongst the several Persons who immediately before the passing of this Act were the Holders of the Shares of the original Company; and, subject thereto, all Money to be raised under the Provisions of this Act, whether by means of Shares or by the Exercise of the Powers of borrowing, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Power to
sell Lands
specified in
Schedule.

XXXIV. The Directors may sell the Lands specified in the Schedule to this Act, or any Part thereof, to any Person or Persons, for such Sum or Sums of Money as the Directors may think proper, and the Moneys to arise from such Sale or Sales shall be applied in carrying into execution the Objects and Purposes of this Act.

First and
other Meet-
ings.

XXXV. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act, and an Ordinary Meeting shall be held in the Month of *May* in each Year, or at such other stated Period as shall be appointed for that Purpose by an Order of a General Meeting, and all Meetings, whether ordinary or extraordinary, shall be held at such Places within the Limits of this Act as the Directors of the Company for the Time being shall appoint.

Scale of
voting.

XXXVI. The Scale according to which Shareholders may vote in respect of their Shares shall be as follows: For Twenty-five Pounds and under paid up in the Capital of the Company, One Vote; above Twenty-five Pounds and under Fifty Pounds paid up, Two Votes; above Fifty Pounds and under One hundred Pounds paid up, Three Votes; above One hundred Pounds and under Two hundred Pounds paid up, Four Votes; and Two hundred Pounds and upwards paid up, Five Votes.

XXXVII. The

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XXXVII. The Number of Shareholders on whose Requisition an Extraordinary Meeting of the Company may be required to be convened shall be Twenty, holding in the aggregate not less than One Twentieth Part of the Capital for the Time being of the Company.

Number of Shareholders to call Extraordinary Meetings.

XXXVIII. Subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors shall be Eight; and the Qualification of a Director shall be the Possession of Ten Shares at least in the Undertaking.

Number and Qualification of Directors.

XXXIX. 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 Five.

Power to vary the Number of Directors.

XL. The Persons who at the Time of the passing of this Act are the Committee of Management of the original Company shall be the first Directors of the Company.

First Directors.

XLI. A Quorum of a Meeting of Directors shall be Three.

Quorum of Directors.

XLII. The Remuneration of the Directors and Auditors shall from Time to Time be fixed by a General Meeting of the Company, and shall be paid out of the Moneys from Time to Time received by the Company under this Act.

Remuneration of the Directors and Auditors.

XLIII. Every Secretary, Clerk, Treasurer, 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 or other Remuneration 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 whatsoever as if he were appointed under this Act.

Officers to continue.

XLIV. Subject to the Provisions in this and the incorporated Acts contained, the Company may maintain and from Time to Time renew and repair the Gasworks erected and provided by the original Company at *Longport*, in the Parish of *Burslem* in the County of *Stafford*, and from Time to Time may construct such additional Gasworks, Gasometers, Retorts, Drains, Sewers, Machinery, and other Works and Apparatus, and such Houses, Buildings, and Approaches upon the Lands at *Longport* aforesaid belonging to the Company as they may 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

Company may maintain existing Gasworks and erect others.

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the Coke and other Residuum arising from the Materials used in the Manufacture of Gas, in such Manner as they may think proper.

Company may lay down Pipes for lighting Buildings.

XLV. The Company may lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipe into, through, or against any Building for the Purpose of lighting the same, with the Consent of the Owner and Occupier of such Building, and may with the like Consent 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; and may from Time to Time repair, replace, or alter such Pipe, Branch, or Apparatus.

Company may require Consumers to use Meters.

XLVI. Every Consumer of the 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 by the Company at the Expense of the Consumer, or (at the Option of the Consumer) to be provided by the Consumer and to be approved by the Company.

Penalty for injuring Meters.

XLVII. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Company, or shall alter the Index to any Meter, shall forfeit to the Company a Sum not exceeding Five Pounds, and the Company may in addition thereto recover the Amount of any Damages by them sustained.

Undisputed Rates or Rents may be recovered by Distress.

XLVIII. All Gas Rates or Rents or Remuneration for Gas due to the Company, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and all Costs of furnishing and fixing any Gas Meters or Pipes, and the Amount of which shall not be disputed, may be levied by Distress, and any Justice on Application may issue his Warrant accordingly.

Costs of Proceedings may be included in Warrant of Distress.

XLIX. Any Justice who shall issue any Warrant of Distress for the Recovery of any Money payable under this Act, or any Act incorporated herewith, may order that the Costs of the Proceedings for the Recovery of such Money shall be paid by the Person liable so pay such Sum of Money, and such Costs may be ascertained by such Justice, and may be included in the Warrant of Distress for the Recovery of such Money,

Several Names and Sums may be included in One Warrant.

L. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice or in a Schedule thereto.

LI. No

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

Liability to Gas Rate not to disqualify Justices.

LII. The Company may recover any Sum of Money which shall be due to them from any Person for Gas Rates or Gas Rents, or for the furnishing or fixing of any Gas Meter or Pipe, or for Damages, Costs, or Expenses by Action or Proceeding in any Court of competent Jurisdiction for the Trial of an Action of Debt of the like Amount.

Sums due to Company may be recovered by Action.

LIII. From and after the First Day of *October* One thousand eight hundred and fifty-seven it shall not be lawful for the Company to charge a higher Price for Gas than Five Shillings *per* Thousand Cubic Feet.

Price of Gas for private Purposes.

LIV. The Company shall from Time to Time, when required by the Local Board so to do, supply Gas to all the public Lamps for the Time being in the Parish of *Burslem* in any Street or Place therein where the Mains of the Company are now laid down or to which they may hereafter be extended, and also for any of the Purposes of the Local Board, all such Lamps being supplied with Batwing Burners capable of consuming Five Cubic Feet of Gas by the Hour, with the Exception of the large Lamps on the Pillars in the Market Place in *Burslem* and at *Longport*, which last Lamps shall be supplied with Three Batwing Burners capable of consuming Fifteen Cubic Feet of Gas by the Hour: Provided always, that the maximum Price to be charged by the Company for Gas supplied to every such smaller Burner as aforesaid, during each Night from Half an Hour after Sunset until Half an Hour before Sunrise, between the First Day of *September* and the Thirtieth Day of *April* following in each Year, save and except Four Nights at the full Moon in each Lunar Month during the said Period, shall not exceed the annual Sum of Two Pounds Fifteen Shillings; and the maximum Price to be charged by the Company for Gas to be supplied to every such larger Burner as aforesaid during the same Periods, shall not exceed the annual Sum of Six Pounds: Provided also, that if the Local Board shall determine that every alternate Lamp shall be lighted during the Four Nights at the full Moon in each Lunar Month, then and in such Case the maximum Prices to be charged by the Company for Gas supplied to every Lamp, whether larger or smaller, shall not exceed the annual Sum of Two Pounds Eighteen Shillings or the annual Sum of Six Pounds Six Shillings, as the Case may be: Provided further, that if at any Time after the Termination of any existing Contract for the Supply of the public Lamps any Difference shall arise as to the Quantity of Gas consumed by any Burner used in such public Lamps, or as to the Price to be charged for such Supply, the Local Board may

As to the Supply for public Purposes:

[*Local.*]

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require

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require the same to be settled by Arbitration in the Manner provided by "The Companies Clauses Consolidation Act, 1845," for the Settlement of Disputes by Arbitration.

Quality of
Company's
Gas.

LV. 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.

Company to
erect a Meter
to test Purity
of Gas.

LVI. 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
to test the
Purity of the
Gas.

LVII. The Local Board may at any Time by Order in Writing 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 Day-time, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power of the Gas by means of the experimental Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall be proved to the Satisfaction of any Two Justices of the County of *Stafford*, not being Directors or Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum, not exceeding Twenty Pounds, as the said Justices shall determine.

Penalty in
case of De-
fault.

Costs of
Experiment
to be paid
according to
the Event.

LVIII. 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.

LIX. The

The Burslem and Tunstall Gas Company's Act, 1857.

LIX. The Local Board may appoint and from Time to Time remove and again appoint an Inspector of Meters, such Inspector to be paid by the said Local Board; and such Inspector shall have at all Times, on the Application of, and if the said Local Board shall so determine, at the Expense of any Consumer of Gas supplied by the Company incorporated by this Act, 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 Inspection to the Company, or to their Secretary, Superintendent, or other Officer.

As to Appointment of Inspector.

LX. Before such Inspection the Person requiring such Examination shall deposit in the Hands of the Inspector all Moneys 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.

Arrears due required to be deposited.

LXI. Whereas by the Act (Local and Personal) Fifth of *George* the Fourth, Chapter Sixty-six, and by "The Public Health Act, 1848," the Company are subject to the Payment of Penalties, Costs, and Charges for certain Offences and Omissions, for which the Company will also be liable to the same or other Penalties, Costs, and Charges under this Act, and it is just that the Company should not be punished twice for the same Offence: Therefore if any Action, Suit, Information, or other legal Proceeding shall be brought, laid, or commenced against the Company under the said Local and Personal Act, or under the Public Health Act, or under this Act, for any Offence or Omission committed or omitted by the Company, such Action, Suit, Information, or other Proceeding shall be a Bar to all other Actions, Suits, Informations, or other Proceedings against the Company for or in respect of the same Offence or Omission under any other of such Acts.

Penalties not to be cumulative.

LXII. Nothing herein contained shall prejudice, take away, lessen, or abridge any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Local Board under "The Public Health Act, 1848," 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.

Saving Rights of Local Board of Health.

LXIII. The Company shall not, in the Execution of any of the Works authorized by this Act, take up or in anyway disturb or interfere with any of the Works, Mains, Pipes, or other Apparatus of the *British* Gaslight Company, save in the Case of some sudden Emergency, unless with the Sanction and under the Inspection of the *British* Gaslight

Protecting Works, &c. of the *British* Gaslight Company.

The Burslem and Tunstall Gas Company's Act, 1857.

Gaslight Company's Engineer, and in case of Difference between such Engineer and the Engineer of the Company thereon, under the Inspection of some Engineer to be appointed by the Chairman of the Quarter Sessions for the Time being of the County of *Stafford*; and in case of any Disturbance or Interference occasioned by any such sudden Emergency, the Question of Redress or Compensation for such Disturbance or Interference shall be settled by the Engineers of the said respective Companies, or in case of Difference by the Engineer to be chosen as aforesaid.

Expenses of
Act.

LXIV. All Costs, Charges, and Expenses of applying for and passing this Act, or incident thereto, shall be paid by the Company.

SCHEDULE referred to in this Act.

A CERTAIN Plot or Parcel of Land, containing by Admeasurement 2,000 Square Yards, situate near to the Waterloo Road in Burslem in the County Stafford, bounded on the East by Land heretofore belonging to Mr. Samuel Walley, on the South or South-west by Land formerly belonging to Mrs. Warburton, and now or late to Mr. John Nicklin, and on the North or North-west and North-east by Part of a certain Close of Land called the Big Greeton or Big Greeting, together with the Messuage or Dwelling House, Retort House, and other Buildings thereon erected, and all Rights of Road and other the Rights, Privileges, and Appurtenances thereunto belonging or in anywise appertaining; which said Hereditaments and Premises were formerly occupied by the Company as their Gasworks, and are now in the Occupation of Enoch Adshead, Cratemaker.

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