



CHAP. xlii.

An Act for incorporating the Shotley Bridge and Consett District Gas Company; for enabling them to supply gas to parts of the parishes of Lanchester in the county of Durham, and Shotley in the county of Northumberland; and for other purposes. A.D. 1869.
[24th June 1869.]

WHEREAS "the Shotley Bridge Gas Company, Limited," in this Act referred to as "the limited company," was registered and incorporated on the thirteenth day of October one thousand eight hundred and fifty-six, under a memorandum of association dated the thirteenth day of October one thousand eight hundred and fifty-six, under the powers of "The Joint Stock Companies Act, 1856," and hath provided gasworks and laid mains and pipes, and manufactured and supplied gas in the townships of Benfieldside, Conside, and Knitsley, Ebchester, Medomsley, and Iveston, all in the parish of Lanchester in the county of Durham, and a portion of the township of Shotley Low Quarter in the parish of Shotley in the county of Northumberland:

And whereas the capital of the limited company (herein-after referred to as the "existing capital") is as follows:

	£
240 shares of 25l. each (fully paid up)	- 6,000
240 shares of 10l. each (fully paid up)	- 2,400
274 shares of 5l. each (fully paid up)	- 1,370
427 shares of 5l. each (2l. per share paid up)	- 2,135
	<hr/>
	£ 11,905

And whereas the limited company do not owe any money on mortgage or bond:

And whereas it is expedient that the limited company should be dissolved and reconstituted, and that a company should be incorporated by this Act for supplying the said townships and portion of township with gas:

A.D. 1869. And whereas the purposes aforesaid cannot be effected 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. 1. This Act may be cited for all purposes as "The Shotley Bridge and Consett District Gas Act, 1869."

8 & 9 Vict. cc. 16. & 18.,
10 & 11 Vict. c. 15.,
23 & 24 Vict. c. 106., and
26 & 27 Vict. c. 118., in-
corporated. 2. "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," (except the sections thereof with respect to the purchase and taking of lands otherwise than by agreement,) "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and

The expression "the company" shall mean the company incorporated by this Act :

The expression "the limited company" shall mean the Shotley Bridge Gas Company, Limited :

The expression "quarter sessions" shall mean any quarter sessions of the peace holden in and for the counties of Durham or Northumberland, or any adjournment thereof :

The expression "superior courts," or "court of competent jurisdiction," or any other like expressions in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

10 & 11 Vict. c. 15. to
apply to
existing
works. 4. "The Gasworks Clauses Act, 1847," shall be held applicable as well to the mains, pipes, and works of the limited company already laid down and constructed, and vested in the company by this Act, as to the mains, pipes, and works to be hereafter laid down and constructed by the company.

Limits of
Act. 5. The limits of this Act shall be the several townships of Benfieldside, Conside, and Knitsley, Ebchester, Medomsley, and Iveston,

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all in the parish of Lanchester in the county of Durham, and also that portion of the township of Billingside in the said parish of Lanchester which forms the site of that part of the township road which extends in an easterly direction from Brooms Lane End to Pontop Cottage; and also the portion of the last-mentioned township included between the last-mentioned road and imaginary lines, the one running parallel with and at a distance of two hundred yards from the north side of the said part of the last-mentioned road, and the other running parallel with and at a distance of two hundred yards from the south side of the said part of the last-mentioned road: and also those portions of the township of Collierley in the said parish of Lanchester which form the site of the township road extending in an easterly direction from Brooms Lane End aforesaid to the eastern extremity of the reservoir, and from Pontop Cottage aforesaid to Pontop Quarry; and also the portion of the last-mentioned township included between the last-mentioned road and imaginary lines, the one running parallel with and at a distance of two hundred yards from the north side of the said part of the last-mentioned road, and the other running parallel with and at a distance of two hundred yards from the south side of the said part of the last-mentioned road; and also that portion of the township of Shotley Low Quarter in the parish of Shotley in the county of Northumberland which forms the site of that part of the Lobley Hill Road which extends from the bridge over the Derwent at Shotley Bridge to the Shotley Bridge toll-bar on the same road; and also the portion of the last-mentioned township included between the last-mentioned road and imaginary lines, the one running parallel with and at a distance of two hundred yards from the north side of the said part of the last-mentioned road, and the other running parallel with and at a distance of two hundred yards from the south side of the said part of the last-mentioned road.

6. From and after the passing of this Act, the limited company shall be dissolved, and the present members of or shareholders in that company, and all other persons 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 making and supplying gas within the limits of this Act, and for doing all things necessary for that purpose, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Shotley Bridge and Consett District Gas Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and

Company
incorporated.

A.D. 1869. with power to purchase, hold, and dispose of lands and other property for the purposes of this Act.

Property
vested in
company
incorporated
by this Act.

7. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the limited company, or to which that company was in anywise entitled, either at law or in equity, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp posts, syphons, apparatus, stock, effects, 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, or which immediately before the passing of this Act were the property of or belonged to that company, and all monies, securities, credits and effects, and other property whatsoever, belonging to that company, and the benefit of all contracts and engagements entered into with and on behalf of that company, and immediately before the passing of this Act in force, shall be and the same are hereby transferred to and vested in the company, to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the limited company, and may, according to the provisions of this Act, be held and enjoyed, sued for and recovered, maintained, altered, discontinued, sold, let, or removed by the company as they think fit.

Memoran-
dum to be
void as to
any future
operation.

8. Subject to the provisions of this Act, the memorandum of association of the limited company shall, as to any future or prospective operation thereof from and after the passing of this Act, be wholly void and of none effect; and the several persons who have executed the same, and their heirs, executors, administrators, and assigns, shall immediately from and after the passing of this Act stand and be by virtue of this Act released and discharged from any future obligation to perform, abide by, fulfil, or conform to such memorandum or any of them.

Previous
rights and
liabilities
not to be
affected.

9. Excepting as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the limited company, or the shareholders therein respectively in that capacity, shall be as valid as if this Act had not been passed, and, except as aforesaid, the provisions of this Act shall accordingly be subject and without prejudice to anything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future which, if this Act were not passed, would be incidental to or consequent on any and every thing 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 limited company, and the shareholders therein respectively, in their capacity of shareholders: Provided always, that the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

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10. Except as is by this Act otherwise specially provided, all purchases, sales, grants, conveyances, deeds, contracts, bonds, debentures, and agreements entered into or made before the passing of this Act, by, to, or with the limited company, and now in force, shall be as binding and of as full force and effect against or in favour of the company, and may be enforced as fully and effectually as if, instead of the limited company, the company had been a party thereto.

Contracts prior to the passing of this Act to be binding.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the limited company, or any member or shareholder thereof, in relation to the affairs of that company, or to which that company, or any member or shareholder thereof, in relation to such affairs, were parties immediately before the passing of this Act, but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by or 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 or in favour of or against the limited company, as the case may be, or any member or shareholder thereof, if this Act had not been passed, the company being, in reference to the matters aforesaid, in all respects substituted for the limited company, as the case may be.

Actions, &c. not to abate.

12. If any judgment, decree, or order be at any time after the commencement of this Act 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 limited company before the commencement of this Act, and be not fully satisfied out of the property of the company, then and in every such case the judgment, decree, or order may be enforced, and execution thereon issued against the property and effects of any person who was a member of the limited company immediately before the commencement of this Act, or at the time when the contract was made or the tort was committed in respect of which the debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability to the same extent as if this Act had not been passed.

Judgment in respect of existing liabilities may be enforced against individual shareholders.

13. Every person against whom or against whose property or effects any such judgment, decree, or order is enforced shall be

Reimbursement of shareholders in such case.

A.D. 1869. — entitled to recover against the company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have been issued; and the contribution may be recovered in like manner as contribution in ordinary cases of copartnership.

Books to be evidence.

14. All entries in the books of the limited company, as the case may be, for evidencing the ownership of any share of the capital of that company, and showing who immediately before the passing of this Act were the shareholders of that company, shall be *prima facie* evidence to show who immediately before the passing of this Act were the shareholders of the limited company; and all books, writings, and documents which that company was authorized or required to keep or make, and receivable in evidence before the passing of this Act, shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Gas rents, &c. to be recovered.

15. All gas rents and sums of money which immediately before the passing of this Act were due and payable or accruing to the limited company shall be payable to and may be collected and recovered by the company in like manner as the gas rents under this Act.

As to payment of debts owing before the passing of this Act.

16. All persons who immediately before the passing of this Act owed any money to the limited company, or to any person on their behalf, in respect of their gasworks, shall pay the same, with all interest (if any) due and payable or accruing upon the same, to the company; and all debts and monies which immediately before the passing of this Act were due or owing or recoverable from the limited company in respect of their gasworks, or for the payment of which that company was or but for this Act would be liable, shall be paid, with all interest (if any) due or payable or accruing upon the same, by or be recoverable from the company.

Officers to continue until removed.

17. All officers and servants of the limited company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereto annexed, until they resign the same or be removed therefrom by the company, and shall have the like powers and authorities for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations

in all respects whatsoever, as if they had been appointed under this Act. A.D. 1869.

18. The capital of the company shall be as follows:

The existing capital by this Act converted into stock	£11,905
New capital A	3,095
New capital B	15,000
Total	£30,000

Capital:

and the new capitals A and B may be divided into such number of shares, and of such nominal amount, not being less than ten pounds each, as the company see fit.

19. The company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares not to issue until one fifth paid up.

20. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between the successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

21. Every person and corporation, being on the commencement of this Act the holder of a share or more than one share in the existing capital, shall be entitled in substitution for every such share to stock of the like nominal value in the capital of the company, and such stock shall by virtue of this Act be vested in and belong to such person and corporation respectively, but subject, as to all stock which may be so vested in respect of any share not fully paid up, to the same liability for calls as such share is subject to.

Appropriation of stock in lieu of existing shares.

22. And with respect to the stock issued in lieu of shares in the existing capital, the total amount of which shares shall not have been paid up on the commencement of this Act, the sections of "The Companies Clauses Consolidation Act, 1845," "with respect to the payment of subscriptions and the means of enforcing the payment of calls," "with respect to the forfeiture of shares for nonpayment of calls," and "with respect to the remedies of creditors against the shareholders," and the sections in Part I. of "The Companies Clauses Act, 1863," relating to the cancellation and surrender of shares, shall be applicable to the stock so issued, and the calls or instalments payable in respect thereof, and the word "share" in those sections shall include "stock," and the word

Certain provisions of Companies Clauses Acts to apply.

A.D. 1869. "call" shall include "instalment," and the word "shareholder" shall include "stockholder."

Such shares to be subject to same trusts as existing shares.

23. All persons or corporations in whom any such stock shall be vested shall stand and be possessed thereof upon the same trusts, and subject to the same powers, provisoes, declarations, and agreements, charges and incumbrances, as the trusts, powers, provisions, declarations and agreements, charges and incumbrances, upon or to which the existing share in respect of which such stock shall be so vested was subject and liable immediately before the passing of this Act, so as to give effect to and not revoke any will or other testamentary instrument disposing of or affecting such share or shares.

Certificates to remain in force.

24. All existing certificates of shares (until cancelled under the powers of this Act), and all sales, transfers, and dispositions heretofore made or executed of or relating to such shares, shall remain in full force and continue to be available in all respects as if this Act had not been passed.

Company to call in and cancel existing share certificates, and issue new ones.

25. The company shall call in and cancel the existing certificates of the shares of the limited company, and issue in lieu thereof certificates of stock, but the holders of such existing certificates of shares shall not be entitled to any certificates of stock under this Act until they shall have delivered up to the company to be cancelled their certificates of shares, or shall have proved to the reasonable satisfaction of the directors of the company the loss or destruction thereof.

Limit of dividend on new capital B.

26. The company shall not in any year make out of their profits any larger dividend on new capital B than seven pounds in respect of every one hundred pounds actually paid of such capital.

Power to borrow on mortgage.

27. The company may from time to time borrow on mortgage any sum not exceeding in the whole six thousand pounds, but no part thereof shall be borrowed until the whole capital of thirty thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of

the books of the company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

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28. The mortgagees of the company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorize the appointment of a receiver the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than one thousand pounds in the whole.

Arrears may be enforced by appointment of a receiver.

29. The company may create and issue debenture stock.

Power to create debenture stock.

30. All mortgages and bonds granted by the limited company which shall be subsisting as a charge on their respective undertaking at the time of the passing of this Act shall, during the continuance of such mortgages and bonds, have priority over any mortgages to be granted by virtue of this Act.

Existing mortgages to have priority.

31. All monies raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied to the purposes of this Act only.

Application of monies.

32. The first ordinary general meeting of the company shall be held within two months after the passing of this Act, and the future ordinary meetings of the company shall be held half-yearly in the months of March and September in every year, or in such other months as the company, by the resolution of an extraordinary general meeting, from time to time determine; and all meetings, whether ordinary or extraordinary, shall be held at such place or places within the limits of this Act as may from time to time be appointed by the directors.

General meetings.

33. The quorum to constitute a general meeting, whether ordinary or extraordinary, of the shareholders of the company, shall be five shareholders holding in the aggregate not less than five hundred pounds nominal value in the capital of the company.

Quorum of meetings.

34. The number of shareholders who may convene extraordinary meetings of the company shall not be less than seven, holding capital in the company of the aggregate nominal value of five hundred pounds at least.

Extraordinary meetings may be convened by shareholders.

35. The number of directors shall be nine, but the company may from time to time reduce the number, provided that the number be not less than six.

Number of directors.

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Qualification
of directors.

36. The qualification of a director shall be the possession in his own right of stock or shares, or stock and shares, in the capital of the company, of not less nominal value than three hundred pounds.

Quorum of
directors.

37. The quorum of a meeting of directors shall be four, unless the number of directors be only six, and then the quorum of such meeting shall be three.

First
directors.

38. Robert Dickinson, George Peile the younger, George Watson, William Ritson, John Seymour, Martin Bell, Walton Shaw, Watson Smith, and Francis Snaith shall be the first directors of the company, and shall continue in office until the first general meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first general meeting to be held in every year after the first general meeting the shareholders present in person or by proxy shall, subject to the power hereinbefore contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

As to future
election of
directors.Auditors
need not
hold shares.

39. The auditors need not hold shares or stock in the company.

Remunera-
tion of the
directors and
auditors.

40. 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 rents or sums receivable under this Act.

Power to
purchase
lands by
agreement.

41. The company may purchase (but only by agreement) and use for the purposes of their undertaking the lands thirdly and fifthly described in the schedule to this Act.

Power to
purchase
additional
lands.

42. The company may from time to time purchase by agreement any additional lands which they may require for the purposes of their undertaking, not exceeding in the whole two acres.

Power to
maintain
works.

43. Subject to the provisions of this Act, the company may from time to time maintain, alter, improve, enlarge, extend, discontinue, and remove the now existing gasworks, lands, and premises of the limited company, and may, upon the lands which they are by this Act authorized to purchase or lease, provide and maintain, or dis-

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continue and remove, additional or other gasworks and premises, and also such retorts, gasometers, gasholders, receivers, purifiers, drains, sewers, mains, pipes, meters, syphons, machinery, and other works and apparatus and conveniences, as they think proper for manufacturing and supplying gas, and may do all such acts as they think proper for manufacturing gas, and for storing gas, and for supplying gas within the limits of this Act, and may manufacture, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, coal, lime, tar, pitch, asphaltum, ammoniacal liquor, and all other products and residuum of any materials employed in or resulting from the manufacture of gas, or which can or may be compounded or produced from the coal or other materials employed in the manufacture of such gas, and may also manufacture and sell, let, or deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks, or with the supply of gas to the consumers thereof, in such manner as the company may think proper; but nothing in this Act contained shall prevent the company from being liable to an indictment for a nuisance, or to any other legal proceeding to which they may be liable, in consequence of making or supplying gas, or doing such other Acts as by this section they are authorized to do.

44. Provided always, that the company shall not manufacture gas except upon the lands firstly described in the schedule to this Act (already appropriated to that purpose), and shall not store gas except upon those lands and the lands secondly and thirdly described in that schedule.

Prohibition against erecting gasworks, except on lands firstly described in schedule.

45. Subject to the provisions in this and the said incorporated Acts contained, the company may, with consent of the owner and occupier of any building, lay any pipe, branch, or other necessary apparatus from any main or branch pipe, into, through, or against any building for the purpose of lighting the same, and with the like consent may provide and set up any apparatus necessary for securing to such buildings a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply.

Power to lay pipes against buildings.

46. The price to be charged by the company for the gas supplied by them to persons who shall burn the same by meter shall not exceed the sum of five shillings per thousand cubic feet.

Limit of charge for gas.

47. Every consumer of gas supplied by the company shall, on being required by the company so to do, consume such gas by meter.

Consumers may be required to consume by meter.

48. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto,

Power to company to let meters.

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for such remuneration in money, and on such terms with respect to repair of such meter and fittings, and securing the safety and return to the company of such meter, as may be agreed upon between the hirer and the company, and such remuneration shall be recoverable in the same manner as the rents or sums due to the company for gas.

Company shall, when required, supply meters at a rental.

49. The company shall, whenever required, supply meters to any consumer, and shall be entitled to charge for the use of such meters a rental not exceeding the rates or sums following; (that is to say,) for

Two-light meters, ninepence per quarter :

Three-light meters, one shilling per quarter :

Five-light meters, one shilling and threepence per quarter :

Ten-light meters, two shillings and sixpence per quarter :

Twenty-light meters, three shillings and sixpence per quarter :

Thirty-light meters, four shillings and sixpence per quarter :

Forty-light meters, six shillings and sixpence per quarter :

Forty-five-light meters, seven shillings per quarter :

Fifty-light meters, eight shillings per quarter :

One-hundred-light meters, eighteen shillings per quarter.

Incoming tenant not to pay arrears of outgoing tenant unless by express agreement.

50. In case any consumer leave the premises where gas was supplied to him without paying to the company the rate or meter rent due from him, the company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears.

Register of gas meter to be primâ facie evidence.

51. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by a customer of the company in respect of which any rent is charged, and sought to be recovered by the company.

Power to remove meters and fittings.

52. The company may, after forty-eight hours notice in writing, under the hand of the secretary or other authorized officer of the company to the occupier, or if unoccupied then to the owner or lessee of any land or premises in which any pipes, mains, meters, or fittings belonging to the company are fixed, and through or in which the supply of gas shall, from the neglect of the owner or occupier, be discontinued, enter such land or premises between the hours of nine in the morning and four in the afternoon, for the purpose of removing and may remove such pipes, meters, or fittings, repairing all damage caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or sent by

post addressed to such person: Provided that if one owner or lessee of any such unoccupied land or premises be unknown to the company after due inquiry, the notice may be given by affixing it for three days to some conspicuous part of the land or premises.

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53. Every consumer of gas of the company shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the company is registered in proper order, and of sufficient size for correctly registering such gas, in default whereof the company may cease to supply gas through such meter, and the company shall have access to and be at liberty to take off, remove, test, inspect, and replace the same at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the company, if the meter be found in proper order, but otherwise at the expense of the consumer.

Consumer to keep his own meter in order.

54. If any person shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any pipes, mains, meters, or fittings, or other things connected therewith, belonging to the company, or shall alter the index to any meter, or fraudulently alter any part of such meter or any pipes connected therewith, or in any way fraudulently, wilfully, or knowingly prevent such meter from duly registering the quantity of gas supplied, or by any means fraudulently abstract, consume, or use the gas of the company, every person so offending shall for every such offence forfeit to the company any sum not exceeding five pounds, and the company may, in addition thereto, recover the amount of any damage sustained by them which shall not be satisfied by the amount of the penalty recovered, and may also discontinue until the Act complained of is remedied, but no longer, the supply of gas to the person so offending, and that notwithstanding any contract previously existing; and the existence of artificial or irregular means for causing such alteration or abstraction, when such meter shall be under the custody or control of the consumer, shall be primâ facie evidence that the same has been knowingly, wilfully, and fraudulently caused by the consumer using such meter: Provided always, that this enactment shall not prejudice any right of the company to institute any criminal proceedings in reference to such offence in any case where they shall not proceed summarily under this Act.

Penalty for damaging meters.

55. If any person shall neglect to pay any sum or sums of money due to the company for the supply of gas, or for the hire or fixing of meters or fittings, the company or the directors, or any person acting under their authority, may summon the party in default before a justice, and the justice may order that the sum so

Gas rents may be recovered by distress.

A.D. 1869. — due, or any part thereof, may be levied by distress and sale of the goods and chattels of the person neglecting to pay the same, wherever such goods and chattels may be found, the surplus, if any, being rendered to the person so neglecting to pay, after deduction of the necessary charges for such distress and sale; and the justice shall issue his warrant accordingly.

Contents of
warrant.

56. Any one summons or 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.

Warrant
shall include
costs.

57. 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 the 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.

Recovery of
sums due to
the company.

58. Whenever any person neglects to pay any gas rate, meter rent, or other sum due to the company, the company may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount; and the remedies of the company under this enactment shall be in addition to their other remedies in that behalf.

As to supply
of company's
gas.

59. Inasmuch as the greater part of the district supplied by the company is a mining district, and the pipes of the company are crossed by a great number of railways carrying heavy mineral traffic, and causing displacement of the pipes, and the pipes are also liable to be broken by the subsidence of the ground, and losses may be sustained by the company, and inasmuch as the entire district is uneven and hilly, which occasions considerable expense to the company, therefore all the gas supplied by the company shall be of such illuminating power at the place of testing such gas 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 twelve sperm candles of six in the pound burning one hundred and twenty grains per hour.

Company to
erect a meter
to test illu-
minating
power of
gas.

60. The company shall, within six months after the passing of this Act, cause to be erected in some convenient place in the works of the company 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 and so placed as to test the illuminating power of all the gas of the company, and shall at all times keep and maintain

the experimental meter and apparatus in good repair and working order. A.D. 1869.

61. Any two justices of the peace from time to time may, by order in writing, and on the requisition in writing of any five or more persons, being consumers of the gas of the company, appoint some competent person, not being an officer or servant of the company, to test the illuminating power of the gas, and the person so appointed 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 manager or other officer of the company make experiment of the illuminating power of the gas, by means of such experimental meter and other apparatus; 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 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 justices shall determine.

Power to test the illuminating power of the gas.

62. The costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceeding before the justices, shall be ascertained by the 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 no such penalty being imposed on the company then those costs shall be ascertained by the justices, and shall be paid by the persons signing the requisition in equal shares.

Costs of experiment to be paid according to event.

63. The company may sell and dispose of the land fourthly described in the schedule to this Act when and as they see fit, without being subject to the provisions of the sections of the "Lands Clauses Consolidation Act, 1845," "with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act or any Act incorporated therewith, but which shall not be required for the purposes thereof."

Company may sell land fourthly described in schedule free from restrictions.

64. Penalties imposed on the company for one and the same offence by several Acts of Parliament shall not be cumulative; and for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Penalties not cumulative.

A.D. 1869.

Liability to
gas rates not
to disqualify
justices.

65. No justice or judge of any county court or quarter sessions shall, except as is by this Act otherwise provided, be disqualified from acting in the execution of this Act by reason of his being liable under this Act to any gas rate, meter rent, or other charge under this Act, or of his being a shareholder of the company.

Shareholder
may be a
member of
local board,
&c.

66. No shareholder of the company shall be disqualified from being or acting as a member of any local board of health or town council, or as a commissioner under and by virtue of any Acts of Parliament passed or that may be passed for the better paving, cleansing, lighting, watching, or improving any parish or place within the limits of this Act, or in anywise connected therewith, or be liable to any penalty as such, notwithstanding the local board or town council of which he is a member, or the commissioners acting under and by virtue of such Acts, or any of them, may enter into any contract with the company or the directors for the time being: Provided that no such shareholder, being a member of such local board or town council or such commissioner, shall be entitled to vote in or concerning any such contract.

Company's
reports to be
published.

67. All yearly or half-yearly reports of the company shall be published regularly in one of the newspapers published in the county of Durham.

Expenses of
Act.

68. All the costs, charges, and expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the company.

SCHEDULE referred to in the foregoing Act.

1st. A piece of freehold land situate at Shotley Bridge in the township of Benfieldside aforesaid, in a street there called Green Street, and measuring in length from the north-east to the south-west on the north-west side thereof 66 yards and 1 foot, and on the south-east side thereof 62 yards and 2 feet, and in breadth from the north-west to the south-east side thereof on the north-east side thereof 46 yards, and on the south-west side thereof 36 yards or thereabouts, bounding on land belonging or reputed to belong to Jonathan Richardson of Woodlands Hall in the county of Durham, esquire, on the north-east and south-east and north-west, the land on the north-east and south-east being occupied by John Brodie the younger, and the land on the north-west being occupied by the limited company, and on Green Street aforesaid on the south-west, together with the erections and buildings standing on the said piece of land, being the present gasworks of the limited company.

2nd. A piece of copyhold land at Leadgate in the said township of Iveston, being parcel of the manor of Iveston, measuring in length from north to south at the east and west sides thereof 76 feet or thereabouts, and in breadth from east to west at the north and south sides thereof 60 feet or thereabouts, and containing 17 perches or thereabouts, bounding on the township road leading from Leadgate towards the village of Iveston on or towards the east, and on land vested or reputed to be vested in Edward Richardson, late of Creswell House within the borough of Sunderland in the county of Durham, and now of Torquay in the county of Devon, esquire, upon trust for the said Jonathan Richardson, and occupied by John Jobling, on or towards the north, south, and west, the boundary on or towards the north being 63 feet distant from the premises occupied as a Primitive Methodist Chapel, upon which last-mentioned piece or parcel of ground there has been already erected a gas holder belonging to the limited company.

3rd. A piece of copyhold land situate at Benfieldside aforesaid, being part of the manor of Lanchester, now or late belonging or reputed to belong to and in the occupation of John Beckinton and William Lawson Mures, surviving trustees of the last will and testament of the late John Beckington, deceased, containing 1,334 square yards or thereabouts, measuring from the north to south 120 feet or thereabouts, and from east to west 100 feet or thereabouts, and bounded on the north by vacant lands belonging or reputed to belong to the said John Beckinton and William Lawson Mures, on the south by a messuage and land belonging or reputed to belong to William Moore, and which land is in his own occupation, and which messuage is occupied by William Nicholson, and on the east by other land belonging or reputed to belong to the said John Beckinton and William Lawson Mures, in the occupation of Henry Ritson, and on the west by other lands belonging or reputed to belong to and occupied by the said John Beckinton and William Lawson Mures, which piece of copyhold land is the site of an exhausted stone quarry.

A.D. 1869.

4th. A piece of vacant freehold land situate at Leadgate aforesaid, containing $584\frac{1}{2}$ square yards or thereabouts, measuring on the west side 117 feet 3 inches, on the east side 106 feet 6 inches, on the north side 72 feet, and on the south side 73 feet, and bounded on the west partly by a messuage belonging or reputed to belong to John Fletcher, and occupied by William Cawthorne, and partly by land belonging or reputed to belong to and occupied by Thomas Rowe, on the east by a messuage and land belonging or reputed to belong to John Murray the younger, and occupied by Thomas Forster, on the north by the North-eastern Railway, and on the south partly by three messuages belonging or reputed to belong to the said John Fletcher, and occupied by William Cawthorne, John Fletcher, and Thomas Keenlyside, and partly by the Iveston township road leading from Leadgate towards Redwell Hill.

5th. A messuage or dwelling house and cottage adjoining each other, and situate at Shotley bridge aforesaid, the said messuage being the corner of Green Street aforesaid and Wood Street, the cottage situate in Wood Street, which are respectively bounded on the north-east by Green Street aforesaid, on the south-west by a messuage and premises belonging or reputed to belong to John Hunter, and occupied by Margaret Rogers, on the south-east by Wood Street, and on the north-west by a messuage belonging or reputed to belong to and occupied by Francis Snaith, and which said messuage or dwelling house and cottage belongs or is reputed to belong to Henry Brown of Consett aforesaid, auctioneer, and to William Smiles and Andrew Pattison, devisees in trust for Joseph Rowe, deceased, some or one of them, the cottage being in the occupation of Michael Judge, and the messuage being unoccupied.