



CHAPTER xc.

An Act for conferring powers upon the Undertakers of the Navigation of the Rivers of Aire and Calder, in the county of York, for the better supply of Gas to the Port and Town of Goole, and neighbourhood thereof; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS by an Act passed in the tenth and eleventh years of the reign of King William the Third, chapter nineteen, the Undertakers of the Navigation of the Rivers of Aire and Calder, in the county of York (in this Act called "the Undertakers"), were established, and, by other Acts subsequently passed, further powers have been conferred on them with respect to their undertaking:

And whereas the Port of Goole, and a considerable part of the town of Goole which has sprung up at and around the said port, forms part of the said undertaking, and in or about the year one thousand eight hundred and thirty-nine the Undertakers, at their own expense, erected gasworks for the supply of gas to the said port and town, and they have since supplied gas to the said port and town, and to the inhabitants of the said town, and to the manufactories and works there, and from time to time have expended considerable sums upon the improvement and extension of their gasworks:

And whereas the demand for gas in and around the district supplied by the Undertakers has increased and is increasing, and it is expedient that the Undertakers should be authorised to extend and improve their existing gasworks, and to erect additional gasworks on land belonging or reputed to belong to them, and to supply gas within the limits by this Act prescribed:

And whereas the Undertakers have expended upon their gas undertaking capital to the amount of twenty-two thousand pounds, and to enable them to extend and improve the said existing gasworks, and to erect the said additional gasworks, and to supply gas within the said limits, it is expedient that they should be authorised

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And whereas the objects 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 ; (that is to say,)

Short title.

1. This Act may be cited as the Goole Lighting Act, 1879.

Incorporation of general Acts.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
10 & 11 Vict.
c. 15.
34 & 35 Vict.
c. 41.
38 & 39 Vict.
c. 55.

2. The Lands Clauses Consolidation Acts, 1845 (except the clauses with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking), 1860, and 1869, and the Gasworks Clauses Act, 1847, are, subject to the provisions of this Act, incorporated with and form part of this Act; and the Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, shall apply to the existing gasworks at Goole of the Undertakers as if the same had been authorised to be constructed by this Act; and section 162 of the Public Health Act, 1875, shall be held to apply to the gas undertaking and to the Undertakers and their directors, as if the Undertakers were, so far as respects the gas undertaking, a gas company.

Interpretation of terms.

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

The expressions "the gasworks" and "the gas undertaking" respectively mean and include the lands specified in the Schedule to this Act, and the gasworks already erected thereon, and which may be erected thereon under the powers of this Act, and the lands, works, buildings, hereditaments, estate, right, property, privileges, and effects now belonging to or which may be acquired by the Undertakers in connexion with such gasworks, and any improvement of such gasworks which they may construct under the powers of this Act :

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

4. The limits of this Act are the district parish of Goole, the township of Goole, the township of Hook, the township of Armin, and so much of the township of Rawcliffe as is situate between the Dutch River and the Knottingley and Goole Canal, all in the parish of Snaith, and in the west riding of the county of York.

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Limits of Act.

5. Subject to the provisions of this Act, the Undertakers may apply their funds to the purposes of this Act. The capital which the Undertakers have already expended upon their gas undertaking, amounting to twenty-two thousand pounds, is in this Act called "original capital," and any capital which may be expended by the Undertakers for the purposes of this Act in excess of the original capital, but not exceeding twenty thousand pounds, is in this Act called "additional capital."

Capital.

6. The dividend which the Undertakers may in any one year make out of the profits arising to them from the exercise of the powers of this Act shall not exceed on original capital ten pounds, nor on additional capital five pounds, in respect of every one hundred pounds at the time actually expended upon their gas undertaking, exclusive of the cost of maintenance and renewals, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall, after the passing of this Act, have fallen short of the said yearly rate.

Regulating profits of Undertakers.

7. The Undertakers shall keep a separate and distinct account of their expenditure on capital account and of their yearly receipts and expenditure on revenue account under the powers of this Act.

Undertakers to keep separate accounts.

8. Subject to the provisions of this Act, the Undertakers may from time to time hold, use, maintain, alter, improve, enlarge, extend, and renew or discontinue the works for the manufacture and storing of gas, and for the conversion, utilization, and distribution of materials used in and about the manufacture of gas, and of residual products resulting from such manufacture, now existing upon the lands which are described in Part I. of the Schedule to this Act; and may also, upon the lands described in Part II. of the said Schedule, erect, lay down, provide, and from time to time alter, improve, enlarge, extend and renew, maintain or discontinue additional and other works for the manufacture and storing of gas, and for the conversion, utilization, and distribution of materials used in and about the manufacture of gas, and of residual products resulting from such manufacture; together with all necessary retorts, gas-holders, receivers, refiners, drains, sewers, and other incidental works, and may manufacture and store gas on all the aforesaid lands, and may also, within the limits of this Act, maintain, alter,

Powers as to construction and maintenance of works.

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and renew existing mains, pipes, pillars, and other works and conveniences, and lay down, maintain, and renew additional mains, pipes, pillars, and other works and conveniences for distributing gas and residual products, and may within the said limits supply gas, and may buy, sell, provide, supply, and deal in coal, lime, coke, tar, pitch, asphaltum, ammoniacal oil, chemicals, and all other residual products or residuum of any materials employed in or resulting from the manufacture of gas, and may also manufacture, purchase, hire, and supply gas meters, fittings, pipes, and other apparatus in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

Undertakers
may store gas
on scheduled
lands.

9. The Undertakers may store gas upon the lands described in Part III. of the Schedule to this Act, but shall not upon such lands erect any works for the manufacture of gas or residual products.

Mains, &c.
crossing
railways to
be laid down
under in-
spection of
engineer of
railway com-
panies.

10. Any mains, pipes, culverts, or other works which the Undertakers may under the powers of this Act be authorised to and shall lay down or execute under, over, or across, or which may affect any railway or works of any railway company, and also any mains, pipes, culverts, or other works already laid down or executed under, over, or across, or so as to affect any such railway or works, and which shall be hereafter removed by the Undertakers, if and when relaid or re-executed by them in the same or any other position, shall be laid down and executed, and subsequently maintained and repaired, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the railway company owning such railway or works, and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him.

Mains, &c.
crossing
canal or
navigation.

11. Notwithstanding anything in this Act, it shall not be lawful to lay or maintain any mains, pipes, or other works across, over, under, or along any quay, wharf, canal, or river, where the same forms part of any navigation or any towing-path (except by agreement in writing with the owners or undertakers of such canal or navigation), otherwise than by means of any public bridge or (with the consent in writing of the owners thereof) any railway bridge across such canal, river, or towing-path, and in such manner only (unless otherwise agreed with the owners of such bridge) as that such mains, pipes, or other works shall be laid inside the parapets of such bridge, and that no part of such mains, pipes, or other works shall be at a lower level than the highest point of the soffit or underside of such bridge, and that the clear opening under such bridge shall not be diminished or the permanent structure or

masonry of such bridge interfered with, and so that such canal or river, or the navigable waterway, banks, or towing-path thereof, shall not be interfered with; and if any such bridge be an opening bridge, by reason whereof the main or pipe must be disconnected during the time at which such bridge is open, the apparatus for disconnecting and reconnecting such main or pipe shall be constructed and the operations of disconnecting and reconnecting the same shall be conducted by the Undertakers to the reasonable satisfaction of the owners or undertakers of the navigation crossed; and it shall be lawful for the owners or undertakers of any such canal or navigation, at any time after giving three months notice to the engineer of the gasworks of their intention so to do, to remove, alter, or renew any such public bridge over or along which any such mains, pipes, or other works may be laid or carried, in the same manner as they might have removed, altered, or renewed the same if this Act had not been passed, and such mains, pipes, or other works had not been laid or carried over or along the same, without making any compensation for any expense or loss arising from such removal, alteration, or renewal; and in the event of any such public bridge over or along which any of such mains, pipes, or other works are carried being altered or renewed as aforesaid, the owners of such mains, pipes, or other works shall, at their own expense, alter the position of such mains and pipes, and replace the same in such manner only as is herein-before prescribed with respect to carrying mains, pipes, or other works over or along public bridges; and all the works aforesaid affecting such canal or river or towing-path, or any public bridge over the same, shall be executed at the expense of the owners of such works, under the superintendence or to the reasonable satisfaction of the engineer for the time being of such canal or river, according to plans and specifications previously submitted to such engineer; and if the engineers of such works and of such canal or river differ concerning the said plans and specifications, or concerning the execution of the said works, every such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either party; and if, by reason of the construction or maintenance of any such works, the navigation of such canal or river, or the towing-path thereof, or traffic thereon, shall be impeded or injured, the owners of such works shall compensate the owners or undertakers of such canal or river for any loss or expense occasioned to them thereby: Provided always, that the owners of such mains, pipes, or works as aforesaid shall acquire in and upon the lands and property of the owners or undertakers of any such canal or river over which such mains, pipes, or works are hereby authorised to be laid only such an ease-

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Power to purchase additional lands by agreement.

Gas not to be manufactured except on scheduled lands.

Lands, &c. to stand vested to same uses as the navigation property.

12. The Undertakers may purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the Schedule to this Act, any lands and hereditaments, not exceeding in the whole five acres, which the Undertakers may from time to time require for the purposes of this Act; but no land so taken for those purposes shall be used by the Undertakers for the purposes of manufacturing gas or residual products, or of storing gas, except the lands described in the Schedule to this Act.

13. All lands now held, and (upon payment of the purchase money for the same) all lands purchased, taken, or used by virtue of the powers of this Act for the purposes thereof, and all works, apparatus, conveniences, messuages, buildings, and hereditaments erected, built, or acquired, and all mains and pipes laid by the Undertakers for the purposes of this Act, and all rates, rents, and charges which they are by this Act authorised to demand and take, shall stand vested in the same trustees, their heirs and assigns, with the like indemnification, and upon the same trusts, and for the like purposes, and the profits and advantages to arise under this Act shall be applicable to such and the same uses and purposes, as the property in the Navigation of the Rivers of Aire and Calder, and the lands, buildings, and hereditaments acquired and erected thereon, and the profits and advantages arising thereby or therefrom, are by virtue of the Acts heretofore passed relating to the said navigation vested and applicable.

Undertakers may use lands not required for purposes of this Act.

14. The Undertakers may from time to time use for the purposes of their general undertaking any lands vested in or acquired by them for the purposes of this Act, and which may not be required for those purposes.

Power to lay pipes against buildings.

15. The Undertakers, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, 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, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

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16. The Undertakers may from time to time enter into and carry into effect contracts with any sanitary or other local authority or road authority with respect to the supply within the limits of this Act of mains, lamps, lamp-posts, pipes, gas-fittings, or meters of the Undertakers, and the lighting, extinguishing, repairing, and keeping clean the public lamps from time to time required by such sanitary or local authority to be lighted, on such terms and conditions as they think fit, and otherwise as shall from time to time be agreed upon between such sanitary or local authority and the Undertakers.

Power to contract with public bodies for supply of mains, &c.

17. Subject to the provisions of this Act, the Undertakers may, for the purposes of the gas undertaking, but not so as to acquire any exclusive right therein, contract for, take, and use within the limits of this Act any leave, license, or authority to work, use, exercise, or put in practice any invention under letters patent heretofore made, or hereafter to be made, granting any right or privilege of working, using, or vending any invention in relation to the manufacture or distribution of gas, or the conversion, manufacture, utilization, or distribution of the materials used in or resulting from the manufacture of gas.

Power to take licenses, &c.

18. The price to be charged for gas by the Undertakers to persons who shall consume the same by meter shall not at any time exceed five shillings per one thousand cubic feet.

Maximum price of gas.

19. All gas supplied by the Undertakers under the powers of this Act to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas, and to penalties, shall, mutatis mutandis, apply to such testing of pressure, and two hours previous notice shall be given to the Undertakers of the time and place at which such testing shall be conducted.

Pressure of gas.

20. The prescribed number of candles shall be fourteen.

Quality of gas.

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Testing
place.

Burner.

21. Within six months from the passing of this Act a testing place shall be provided at the gasworks of the Undertakers.

22. The prescribed burner shall be Sugg's London Argand Burner No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, but if at any time the gas flame tails over the top of that glass a six-inch by two-inch chimney shall be used.

Security for
payment of
gas rents.

23. Any person having or requesting to have a supply of gas from the Undertakers shall, if and when so required by the Undertakers, and before he is entitled to have any service pipes or meter provided and fixed, or to have a supply or further supply of gas, give the Undertakers such security for the payment of six months rent or charge for the gas or meter to be supplied to him as he and the Undertakers may agree upon, or as, in default of agreement, shall be determined in the manner provided by the Gasworks Clauses Act, 1871, for determining the amount of security to be given for the use of meters supplied by the Undertakers; and the Undertakers shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give them such security for seven days after the same shall have been demanded by the Undertakers.

Undertakers
to pay
interest on
money de-
posited as
security.

24. If any person is required by the Undertakers to give to them security as herein-before mentioned, the Undertakers shall, in the event of such security being a sum of money deposited with the Undertakers, pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security during such time as the said money shall be so deposited, and such interest shall be payable half-yearly, subject, however, to the right of the Undertakers to set off against the same any money due to the Undertakers from such person.

Notice to
Undertakers
to discon-
tinue supply.

25. A notice to the Undertakers from a consumer for a discontinuance of a supply of gas shall not be of any effect unless it be made in writing, and be left at the office of the Undertakers at the gasworks not less than twenty-four hours previously.

Liability for
gas rent not
to disqualify
justice.

26. A justice or judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any rent, rate, or charge under this Act.

Power to
supply gas
for heating
and cooking
purposes..

27. The Undertakers may, on the request of the owner or occupier of any premises within the limits of this Act, give and continue to give a supply of gas for heating such premises or for cooking purposes on such premises, and may furnish and lay any pipes, stoves, apparatus, fittings, or conveniences for the purposes

of this section, on such terms and conditions in all respects as may be agreed on between the Undertakers and such owner or occupier as aforesaid. A.D. 1879.

28. Subject to the provisions of this Act, the gas undertaking shall continue to form part of the general undertaking of the Undertakers. Gas undertaking to form part of general undertaking.

29. Every penalty imposed by this Act shall (except where otherwise expressly provided, and except when the Undertakers shall be the party by whom the penalty has to be paid) be paid to the Undertakers. Application of penalties.

30. All costs, charges, and expenses of and preliminary and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Undertakers. Expenses of Act.

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SCHEDULE referred to in the foregoing Act.

PART I.

First.—All that piece of land situate in the township of Hook, in the district parish of Goole and parish of Snaith, in the west riding of the county of York, containing 2,872 square yards or thereabouts, on which certain gasworks belonging or reputed to belong to the Undertakers of the Navigation of the Rivers of Aire and Calder, in the county of York, are situate, bounded on the north by Doyle Street, on the east by certain other land belonging or reputed to belong to the said Undertakers, and now occupied by Susannah Best, on the south by Vermuyden Terrace, and on the west by certain other land also belonging or reputed to belong to the said Undertakers, and now occupied by Frances Reeves.

Secondly.—All that piece of land situate in the township of Goole, in the district parish of Goole and parish of Snaith, in the west riding of the county of York, containing 1,046 square yards or thereabouts, on which certain gasworks formerly belonging or reputed to belong to the Old Goole Gas Company are situate, bounded on the north-easterly side thereof partly by the south-western end of George Street, partly by property belonging or reputed to belong to the trustees of the late George Couper, and bounded on the south-easterly side thereof by property belonging or recently belonging or reputed to belong to the executors of the late John Wells, and bounded on the south-westerly side thereof by property belonging or reputed to belong to John Wood Jackson, and bounded on the north-westerly side thereof partly by property belonging or reputed to belong to the said John Wood Jackson, partly by property belonging or reputed to belong to Michael Tredgold Hedley, and partly by property belonging or reputed to belong to Joseph Robert Grassby.

PART II.

All that piece of land situate in the township of Rawcliffe and parish of Snaith, in the west riding of the county of York, containing four acres one rood and thirteen perches or thereabouts, belonging or reputed to belong to the Undertakers of the Navigation of the Rivers of Aire and Calder, in the county of York, bounded on the north by the southern side of the south bank of the Knottingley and Goole Canal, and bounded on the south by the northern side of the north bank of the Dutch River, and bounded on the east by a line forming the western boundary of certain land belonging or reputed to belong to Ralph Creyke, and 66 feet or thereabouts west of the western side of the drain called the Dobeller Drain, and bounded on the west by an imaginary line drawn from a point on the southern side of the south bank of the Knottingley and Goole Canal, distant 522 yards or thereabouts westward from the western

side of the said Dobeller Drain, to a point on the northern side of the north bank of the Dutch River, distant 552 yards or thereabouts westward from the said western bank of the Dobeller Drain.

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PART III.

All that piece of land situate in the township of Hook, in the district parish of Goole and parish of Snaith, in the west riding of the county of York, containing one acre two roods thirty perches and fifteen square yards or thereabouts, (and forming (as to part thereof) the site of an existing gas-holder belonging or reputed to belong to the Undertakers of the Navigation of the Rivers of Aire and Calder, in the county of York, and known as the New Gas-holder,) bounded on the north by an imaginary straight line (herein-after called "the northern boundary line") parallel to and thirty-eight feet or thereabouts southward from the southern side of the rope-walk occupied by the Goole Ropery and Ship Chandlery Company, Limited, and 84 feet or thereabouts northward from the centre of the said gas-holder, and extending for a distance equal to 213 feet (measured in an easterly direction) from a point on the said northern boundary line struck by another imaginary straight line passing from and at right angles to the said southern side of the said rope-walk, through the centre of the said gas-holder, such northern boundary line also extending for a distance equal to 146 feet or thereabouts (measured in a westerly direction) from the said point, and bounded on the east by another imaginary straight line (herein-after called "the eastern boundary line") at right angles to the northern boundary line, and commencing at the eastern termination thereof, and extending in a southerly direction for a distance of 172 feet or thereabouts, and bounded on the south by another imaginary straight line (herein-after called "the southern boundary line") parallel to the northern boundary line, and commencing at the southern termination of the eastern boundary line, and extending therefrom in a westerly direction for a distance of 500 feet or thereabouts, and bounded on the west by another imaginary straight line, commencing at the western termination of the southern boundary line, and terminating at the western termination of the northern boundary line.