



## CHAPTER cc.

An Act to enable the Barnet District Gas and Water Com- A.D. 1883.  
pany to extend their limits of water supply ; to construct  
new Waterworks ; to extend their Gasworks and to raise  
additional capital ; and for other purposes.

[20th August 1883.]

**W**HEREAS by the Barnet District Gas and Water Act 1872 35 & 36 Vict.  
c. 189.  
(in this Act called "the Act of 1872") the Barnet District  
Gas and Water Company (in this Act called "the Company") were  
incorporated (upon the amalgamation dissolution and re-incor-  
poration of the East Barnet Gas and Water Company the Potters  
Bar Gas and Coke Company Limited and the Barnet Consumers'  
Gas Company Limited) for the purpose of supplying gas and water  
within the limits thereby defined with respect to gas and water  
respectively :

And whereas the share capital of the Company as authorized by  
the Act of 1872 amounts to one hundred and thirty-five thousand  
pounds and consists of (a) seventy-two thousand seven hundred and  
twenty pounds bearing a dividend of ten per centum per annum  
and in the Act of 1872 and in this Act referred to as "A Capital"  
(b) twelve thousand two hundred and eighty pounds in the Act of  
1872 and in this Act referred to as "B Capital" bearing a dividend  
of one per centum per annum less than the A Capital unless and  
until a dividend of ten per centum per annum is being paid on the  
A Capital in which case the further divisible profits (if any) are to  
go to make up the dividend on the B Capital to the rate of ten per  
centum per annum and (c) fifty thousand pounds additional capital  
authorized by the Act of 1872 bearing a dividend of ten per centum  
per annum but limited to the profits of the year shares or stock for  
the whole of which several amounts of capital have been issued  
and are fully paid up :

[Local.-200.]

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And whereas by the Act of 1872 the Company were authorized to borrow on mortgage to the extent of thirty-three thousand six hundred pounds :

And whereas the Company have not created any debenture stock :

And whereas the demand for gas and water within the limits of the Act of 1872 for the supply of gas and water respectively has largely increased and is still increasing :

And whereas it is expedient that the limits within which the Company are by the Act of 1872 authorized to supply water should be extended so as to include the places hereinafter in that behalf mentioned and that in order to supply the increased demand for gas and water powers should be conferred on the Company to acquire additional lands to construct additional gas and water works and to raise further capital :

And whereas it is expedient that the Company should be authorized to enter into contracts for the sale of gas and water in bulk :

And whereas it is expedient that the Company should be authorized to purchase or hire and to supply sell or let gas fittings engines stoves pipes machinery apparatus and other appliances for warming lighting and ventilating houses and buildings the cooking of food for motive power and for all or any other purposes for which gas or any product obtained in its manufacture can or may be used and to sell or provide cisterns tanks fittings and other apparatus for or connected with the supply of water :

And whereas it is also expedient that the Act of 1872 should be in some respects amended and that the further powers hereinafter contained should be granted to the Company :

And whereas plans and sections showing the lines situations and levels of the waterworks authorized by this Act and showing also the lands to be compulsorily taken for the purposes of those works and plans of the lands authorized by this Act to be acquired compulsorily for gasworks and also books of reference to the said plans respectively containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands respectively were duly deposited with the clerk of the peace for the county of Hertford and are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas the objects of this Act 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 :— A.D. 1883.

1. This Act may be cited as the Barnet District Gas and Water Act 1883. Short title.

2. This Act and the Act of 1872 as altered and amended by this Act shall be read and construed as one Act which shall be the special Act for the purposes of the Gasworks Clauses Act 1871 and the Act of 1872 and this Act may be cited together as the Barnet District Gas and Water Acts 1872 and 1883. Acts to be read as one Act.

3. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Gasworks Clauses Act 1847 the Waterworks Clauses Acts 1847 and 1863 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :— Incorporation of general Acts.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ; and

Part I. "Cancellation and Surrender of Shares" Part II. "Additional Capital" and Part III. "Debenture Stock" of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 ; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof ;

are (except where expressly varied by this Act) incorporated with and form part of this Act. The provisions herewith incorporated of the last-mentioned Act shall apply but shall apply only to the reservoir by this Act authorized and in construing those provisions for the purposes of this Act the expressions "the railway" and

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Interpreta-  
tion.

4. 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:—

"Local authority" shall (except where the context indicates the contrary) mean the urban sanitary authority or rural sanitary authority having jurisdiction in the district;

"District" shall (except where otherwise expressed or described) mean the area selected for the purpose of constant water supply such area being within the jurisdiction of a local authority and also within the Company's limits of water supply;

"Constant supply" shall mean a constant supply at the pressure prescribed of pure and wholesome water sufficient for the domestic purposes of the inhabitants within the district;

"Premises" shall mean and include any dwelling-house and any part of a dwelling-house and any stable yard or other offices used together or in connection with any dwelling-house or any part of a dwelling-house;

"Prescribed" shall mean prescribed by any regulations made under the authority of this Act;

"Court of summary jurisdiction" shall mean any justice or justices of the peace stipendiary or other magistrate or officer by whatever name called to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to;

"Fittings" shall include communication pipes and also all pipes cocks cisterns and other apparatus used or intended for the supply of water to the consumer and for that purpose placed in or about the premises of the consumer;

"Owner" shall mean the person who for the time being receives the rack-rent of the premises with reference to which that term is used whether on his own account or under or by virtue of any mortgage or charge or as agent or trustee for any person or who would so receive the same if the premises were let at a rack-rent and shall include every successive owner from time to time of the premises being such for any part of the time during which the enactment wherein that term is used operates in relation to the premises;

"The Public Health Acts" shall mean the Public Health Act 1875 and any Act amending the same;

“Superior courts” or “court 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 with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

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5. From and after the passing of this Act the limits of the Company for the supply of water shall extend to and include the district following (that is to say) so much of the parishes of Enfield and South Mimms in the county of Middlesex and Northaw North Mimms Ridge and Shenley in the county of Hertford as lie within an imaginary line commencing at a point where the boundaries of the parishes of Edmonton East Barnet and Enfield meet running thence along the boundary between the parishes of Edmonton and Enfield to the extreme north-western corner thereof opposite Cock Fosters thence eastward along the same boundary to a point about seven hundred yards east of the Southgate Road thence northward (slightly inclining west) to the boundary post in Ridgeway Road marking the boundary of the parishes of Enfield and South Mimms thence north along the said parish boundary to the Causeway Road continuing in a straight line across the said road to the boundary of the parishes of Enfield and Northaw thence north-east in a straight line to the Ordnance Bench Mark 333·8 on the wall at Hookmouth Cottage in Northaw village thence north in a straight line to a point in New Road one hundred and twenty yards north-east of the Ordnance Bench Mark 344·1 on the parish schools in Northaw thence north-west in a straight line to a point in Great North Road three hundred yards north of Swanley Bar Lane thence in a straight line in a westerly direction to a point in Hawkeshead Lane eight hundred and sixty yards or thereabouts west of its junction with Swanley Bar Lane thence south-westerly in a straight line (crossing Mutton Lane and Dugdale Hill) to a point in New Road eighty-five yards or thereabouts north of the thirteenth mile stone in that road from London thence continuing in the same straight line across the boundary between the parishes of South Mimms and Ridge and the boundary between the parishes of Shenley and Ridge to the boundary between the parishes of Shenley and Elstree at a point being about thirty-three chains north-westward of the point where the boundaries of the parishes of Edgware Chipping Barnet and Shenley meet and about thirty-five chains north-north-westward of the point where the boundaries of the parishes of Elstree Edgware and Shenley meet thence south-

Extension of  
limits for  
supply of  
water.

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ward along the said boundary between the parishes of Shenley and Elstree to Barnet Road at the aforesaid point where the boundaries of the parishes of Shenley Elstree and Edgware meet thence north-east along the boundary between the parishes of Shenley and Edgware to its junction with the boundary of the parish of Chipping Barnet.

Company  
to lay down  
main in  
Potter's Bar  
District.

6. The Company shall within six calendar months after the Barnet Rural Sanitary Authority shall by deed have undertaken such payment to the Company as is herein provided continue their existing main in High Street Hadley along the road called the Great North Road or Hatfield Road to the boundary between the parishes of South Mimms and North Mimms and lay down a branch thereof along the road leading from the Great North Road or Hatfield Road to Church Road at its junction with Osborne Road thence along Church Road Eastward to the boundary between the said parishes and westward to Elm House in the said Church Road and along Heath Road and Osborne Road northward to the boundary between the said parishes and also another branch of the said main along the road leading out of the said Great North Road recently made by Mrs. Tingey ninety-five yards westward and another branch along the Southgate Road five hundred and fifty yards southward for the purpose of supplying water for the domestic use of the inhabitants for the time being of the Potter's Bar District (which district is coloured pink on a plan deposited with the clerk of the peace for the county of Middlesex and identified by the signatures of Henry Parker Esquire on behalf of the Barnet Rural Sanitary Authority and of Thomas Henry Martin the engineer on behalf of the Company) and the said authority shall pay to the Company forthwith after the expiration of the first three years immediately following the completion of the continuance and laying of the mains aforesaid and the supply of water therein such a sum of money as (with the rates payable to the Company for water supplied or to be supplied within the said Potter's Bar District during such three years) shall make up the sum of one thousand two hundred pounds and the said authority shall raise any money which may become payable to the Company under this section as special expenses to be charged exclusively upon the said Potter's Bar District in the same manner and with the same powers incidents and consequences in all respects as if such district had been constituted a special drainage district and a separate contributory place within the meaning of the Public Health Acts Provided that nothing in this section contained shall be deemed to constitute the said

Potter's Bar District a separate contributory place for any purpose other than the purposes of this section. A.D. 1883.

7. Subject to the provisions of this Act the Company may make and maintain the reservoir hereinafter described in the situation and according to the lines and levels shown upon the deposited plans and sections (that is to say):— Power to make and maintain Water Works.

A reservoir in the parish of Chipping Barnet in the county of Hertford about one thousand eight hundred and ninety square yards in extent situate on land belonging or reputed to belong to the Corporation of the Sons of the Clergy and in the occupation of Edward Bevan App Rees Bryant and the Company may enter upon take and use such of the lands delineated on the plan\* of the said reservoir and described in the deposited books of reference to that plan as may be required for that purpose.

8. The Company may in connection with such reservoir from time to time make and maintain within their limits of supply as extended by this Act all proper and necessary embankments filtering or receiving beds dams gauges tanks drains sluices catchpits conduits culverts channels byewashes weirs wells cuts adits tunnels bridges roads approaches engines works and conveniences for obtaining collecting filtering treating storing and distributing water. Company to make and maintain embankments &c.

9. In making the works by this Act authorized the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given make any embankment or wall of the said reservoir of a greater height than that shown on the deposited sections and three feet in addition. Lateral and vertical deviation.

10. Subject to the provisions of this Act the Company may enter upon take and use all or any of the lands in the parish of East Barnet and county of Hertford delineated on the deposited plans and described in the deposited books of reference and specified in Part I. of the Schedule to this Act. Power to purchase lands for Gas Works.

11. Subject to the provisions of this Act the Company may from time to time on the lands described in Parts I. and II. of the Schedule to this Act or any part thereof erect make maintain alter improve enlarge and renew gasworks and works for the Power to erect and maintain Gas Works and manufacture and store gas

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on lands in  
Schedule.

manufacture distribution and storing of gas and any residual products arising in the manufacture of gas together with all necessary and proper conveniences and may manufacture and store gas coke tar pitch asphaltum ammoniacal liquor and all other products and residuum of any materials employed in or resulting from the manufacture of gas.

Period for  
compulsory  
purchase of  
lands.

12. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing thereof.

Power to  
purchase  
lands by  
agreement.

13. The Company may for any of the purposes of their undertaking purchase and hold by agreement but not otherwise (in addition to the lands which they are authorized by the Act of 1872 to purchase and hold and the lands delineated on the deposited plans and described in the deposited books of reference) any lands and hereditaments not exceeding in the whole fifteen acres which the Company may from time to time require for the purposes of their works and undertaking Provided always that the Company shall not erect or authorize or permit the erection on any of the lands which may be purchased as aforesaid whilst they shall be held by the Company of any buildings other than buildings necessary for or connected with their undertaking and no lands shall be used for the manufacture of gas or residual products except the lands described in the Act of 1872 and in Parts I. and II. of the Schedule to this Act.

Power to  
take ease-  
ments, &c.,  
by agree-  
ment.

14. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant or demise and may by way of exchange convey to the Company any lands or any easement right or privilege in, over or affecting any lands (not being an easement right or privilege of water) required for the purposes of this Act in, over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants demises and conveyances and to such lands easements rights or privileges as aforesaid respectively.

Period for  
completion  
of works.

15. The works shown on the deposited plans and by this Act authorized shall be completed within five years after the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for making the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed but without prejudice to the exercise



by the Company of any powers for or in respect of the execution or completion of such works as the Company may be otherwise authorized to execute.

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**16.** The Company may buy or hire and may supply sell or let to consumers of gas within the gas limits of this Act for use upon premises belonging to or occupied by such consumers burners tubes and stoves or ranges for heating or cooking by means of gas and any other materials or fittings for the use of gas for domestic or other purposes and also engines and machines for domestic manufacturing industrial or any other purposes whatever to be worked by means of gas for the production of motive power and any materials or fittings to be used in connection therewith.

Power to supply gas fittings and engines and other apparatus.

**17.** The Company may charge for any stoves engines machines fittings and other things supplied sold or let under the powers of this Act such price rent or sum as may be agreed upon between the Company and the other party to any such agreement.

Charges for fittings &c.

**18.** The Company may if requested by any person supplied or to be supplied by them with water furnish to him at his costs and charges and from time to time fix repair or alter any pipes valves cocks cisterns baths waterclosets apparatus and receptacles and fittings necessary for or connected with such supply and may provide all materials and do all works necessary or proper in that behalf and recover the costs thereof from such person in any court of competent jurisdiction.

Company may supply cisterns fittings, &c.

**19.** Subject to the provisions of this Act the Company may from time to time enter into and carry into effect contracts and arrangements with any corporation urban or rural sanitary authority or other local authority and any railway company and any other companies bodies or persons jointly or severally with respect to the supply of gas and water in bulk or either of them in bulk within and beyond the Company's respective limits of supply as the Company think fit and every such contract and arrangement may be for such period on such terms pecuniary or otherwise and conditions as the parties thereto think fit and the Company and any such corporation authority company body or person as aforesaid may by agreement vary suspend or rescind any such contracts or arrangements and make others in lieu thereof and in addition thereto.

Supply of gas and water in bulk.

**20.** Notwithstanding anything in this Act contained the Company shall not supply to any corporation body or person gas or water in bulk or otherwise for use or consumption within the

Domestic supply not to be interfered with.

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district or limits of supply of any other gas or water company incorporated by Act of Parliament without the consent in writing of such other company and then only upon such terms as shall be in such consent expressed. Neither shall the Company afford any such supply within or beyond their limits if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within their limits.

Water need not be constantly laid on under pressure.

**21.** The water to be supplied by the Company need not be constantly laid on under pressure save and except that from and after the first day of June one thousand eight hundred and eighty-six the Company may provide or upon the application of a local authority be required to provide upon the conditions hereinafter specified and in conformity with the provisions of this Act a constant supply of water within so much of their limits of water supply as can be supplied from their reservoirs at New Barnet but at such pressure only as will make the water reach a level not higher than three hundred feet above Ordnance datum level.

Application for constant supply.

**22.** Subject to the provisions of this Act the local authority shall whenever they are of opinion that there should be in any district a constant supply make application to the Company requiring a constant supply in such district and the Company may without any such application propose to the local authority to give a constant supply in any district.

Appeal to Local Government Board.

**23.** When application has been made to the Company requiring them to provide a constant supply or when the Company have given notice to the local authority of a proposal to give a constant supply in any district and the Company so required or the local authority upon whom notice of such proposal has been served object to such requisition or proposal it shall be lawful for the Company or local authority within one month after the making of such application or service of such notice to present a memorial to the Local Government Board setting forth their objections to such requisition or proposal and the party presenting such memorial shall give notice to the other party of the presentation of such memorial and shall transmit to such party a copy of the same. The Local Government Board shall as soon as conveniently may be after the receipt of such memorial take the same into their consideration and may if they think fit institute an enquiry in relation thereto and may hear such Company and authority desiring to be heard and may make such order in reference thereto and as to the costs thereof and incident to the same as to them shall seem just.

24. The Company shall not be compelled at any time to give a constant supply to any premises in any district until the regulations provided for by this Act are made and are in operation within such district nor if it can be shown by the Company that at any time after the expiration of two months from the time of the service of any requisition for constant supply more than one-fifth of the premises in such district are not provided with the prescribed fittings without prejudice nevertheless to any renewed requisition at a future period. In any district in which any default in respect of the prescribed fittings shall be found the local authority may by notice in writing require the owner or occupier of any such premises within a time to be specified in such notice to provide the prescribed fittings or to cause the fittings in such premises to be repaired so as to prevent any waste of water and if any person fail to comply with the terms of such notice the local authority may provide for such premises the prescribed fittings or repair the fittings within the same as the case may be.

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Restriction  
as to com-  
pulsory  
supply by  
Company.

The expenses incurred by the local authority in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied or on whose credit the water is supplied or by the owner of the premises.

All such expenses may be recovered with costs from the owner and to the extent of any rent due by the occupier of the premises from such occupier by proceedings in a court of summary jurisdiction or by action in any court having jurisdiction locally in the matter as if the same were an ordinary simple contract debt and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner and shall be allowed by the owner and every other person interested in the rent as if the same had been actually paid as rent but if in any case an occupier fails to disclose the amount of rent due by him or the name and address of the owner he shall be liable to pay the full amount of such expenses and costs. Provided further that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

25. Where a constant supply is required in accordance with the provisions of this Act in any district notice to that effect shall be served on behalf of the local authority requiring the same upon the Company and where a constant supply is proposed to be given in accordance with the provisions of this Act in any district by the Company notice to that effect shall be served on behalf of the Company upon the local authority. In every such notice shall be

Notice re-  
quiring or  
proposing  
constant  
supply to be  
served upon  
Company or  
Local  
Authority.

A.D. 1883. stated accurately the district in which such constant supply is required or proposed to be given and the day (not being an earlier day than four months after the date of the service of such notice) upon and from which such supply is to commence.

Extension  
of time to  
Company.

**26.** Where a constant supply is required in any district in accordance with the provisions of this Act and the Company are unable from want of funds or other cause of any kind to execute all the necessary works within the time prescribed by this Act the Local Government Board if they think fit may extend the time for the giving of such supply generally or may extend the time and direct such supply to be given at different times in succession to the several parts of such district in such manner as may be found most convenient Provided that application be made by the Company for such extension of time within one month after the notice referred to in the last preceding section has been served upon them.

Provision for  
supply in  
courts, pas-  
sages, &c.

**27.** With respect to cases where a group or number of dwelling-houses are situate in a court or passage or otherwise in contiguity with or in close neighbourhood to one another the following further provisions shall have effect (that is to say) :—

1. If at any time it appears to the Local Government Board on the report of the local authority that a constant supply cannot be well and effectually provided for that group or number of dwelling-houses except by means of a stand-pipe or other apparatus placed outside the dwelling-houses the Local Government Board may from time to time make an order to the effect that such group or number of dwelling-houses may be so supplied and shall serve the same on the Company ;
2. If the requisite stand-pipe or other apparatus in accordance with the regulations of the Company is provided then the Company shall give to those dwelling-houses a supply accordingly by means of the stand-pipe or other apparatus so provided and on giving such supply shall be entitled to receive and recover water rates or rents from the owners or occupiers of such dwelling-houses as if the supply had been given in the premises The expense of providing such stand-pipe or other apparatus shall be borne by the owner of the dwelling-houses or if there is more than one owner then by the respective owners in such proportions as the Local Government Board shall direct ;
3. The Local Government Board may at any time abrogate wholly or in part the order or may originally grant it only for a limited period.

**28.** If the Company shall violate refuse or neglect to comply with any of the preceding provisions of this Act as to a constant supply of water they shall (but without prejudice to any other remedy of the local authority) be liable to a penalty not exceeding forty pounds and to a further penalty not exceeding twenty pounds for every month during which such violation or refusal or neglect to comply with the said provisions continues after they shall have received notice in writing from the Local Government Board to discontinue such violation refusal or neglect as aforesaid Any such penalties shall go and belong to the local authority within the jurisdiction of which the same shall have been incurred and may be sued for and recovered by such local authority in a court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount and shall be paid and applied as the local authority shall from time to time direct.

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Penalties for non-compliance with preceding provisions as to constant supply.

**29.** When notice in relation to a constant supply in accordance with the provisions of this Act in any district has been served upon or by the Company the party by whom or on whose behalf such notice shall be served shall forthwith cause to be published copies of the same once at least in each of two successive weeks in two newspapers circulated within the Company's limits of water supply.

Notice relating to constant supply to be published.

**30.** Where in any district the Company are required or have proposed in accordance with the provisions of this Act to provide a constant supply the Company may at any time after the expiration of one month after the publication as aforesaid of the notice requiring or proposing such constant supply unless a memorial or application has been presented or made to the Local Government Board objecting to such constant supply or seeking an extension of time and if any such memorial or application has been presented or made then at such time after the determination of the Local Government Board in relation to such memorial or application as such Board shall approve and order cause to be served on the owner or occupier of any premises within such district a notice requiring such owner or occupier to supply such premises with the prescribed fittings.

Company may issue notice upon owners and occupiers to provide prescribed fittings.

**31.** Every owner or occupier of premises upon whom notice to that effect has been served shall within the period required by such notice not being less than six weeks after the date of the service of such notice provide the prescribed fittings and shall from time to time keep the same in proper repair.

Owner or occupier to provide prescribed fittings.

**32.** Where in any district the Company are required or have proposed in accordance with the provisions of this Act to provide

In case of default by owner or

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occupier  
Company  
may provide  
or repair  
prescribed  
fittings.

a constant supply and any owner or occupier of premises upon whom notice to provide prescribed fittings has been served by the Company makes default in providing the prescribed fittings the Company if they think fit may provide such fittings or where in any such district the fittings of any person are out of order and not as prescribed the Company may by notice in writing require such person within twenty-four hours after the date of the service of such notice to cause the same to be repaired so as to prevent any waste of water and if any person fail to comply with the terms of such notice the Company (if they think fit) may repair the fittings of such person.

The expenses incurred by the Company in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied or on whose credit the water is supplied by means of such fittings or by the owner of the premises.

All such expenses may be recovered with costs from the owner and to the extent of any rent due by the occupier of the premises from such occupier by proceedings in a court of summary jurisdiction or by action in any court having jurisdiction locally in the matter as if the same were an ordinary simple contract debt and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner and shall be allowed by the owner and every other person interested in the rent as if the same had been actually paid as rent but if in any case an occupier fails to disclose the amount of rent due by him or the name and address of the owner he shall be liable to pay the whole amount of such expenses and costs. Provided that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

Provision for  
case of frost,  
&c.

**33.** Notwithstanding anything in this Act the Company shall not be subject to any liability for not giving a constant supply if the want of such supply arises from frost unusual drought or other unavoidable cause or accident or during necessary repairs which shall be executed as speedily as possible.

Regulations  
for prevent-  
ing waste,  
&c. of water.

**34.** Subject to the provisions of this Act the Company may at any time and shall before notifying their intention to give a constant supply in any district and within three calendar months after service upon them of notice on behalf of a local authority requiring a constant supply in any district make regulations for preventing waste misuse undue consumption or contamination of the water of the Company to be observed by persons supplied with

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water and may thereby direct the use and prescribe the size nature strength and materials and the mode of arrangement alteration and repair of pipes cocks ferrules valves cisterns soil-pans baths water-closets and other apparatus or receptacles for conveying delivering regulating and receiving water and may interdict any arrangement and the use of any pipe valve cock cistern bath soil-pan water-closet or other apparatus or receptacle likely to occasion waste misuse undue consumption or contamination of water and by such regulations there may be imposed for offences against the same penalties not exceeding five pounds for each offence and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence and such penalties shall be recoverable as penalties under this Act are recoverable.

**35.** The Company if they think fit or if requested so to do by the Local Government Board may repeal or alter any of the regulations made for the purposes aforesaid or make new regulations instead of any of the same.

Amendment of regulations.

**36.** In case the Company do not with the approval of the Local Government Board make regulations within the time specified in this Act or in case the Company on being requested in writing by the local authority to repeal or alter any of the regulations for the time being in force or to make new regulations instead of any of the same refuse so to do the Local Government Board may if they think fit appoint a competent and impartial person of engineering knowledge and experience to report to them as to such regulations as may be necessary for the execution of this Act or as to the expediency of altering or repealing such regulations or of making new regulations in conformity with such request as aforesaid and on the report of such person the Local Government Board may make such regulations repeal or alteration as they think fit.

In case of default by Company, Local Government Board may appoint person to report as to regulations and may make same.

**37.** Within four days after the making of any regulation or of any repeal of or alteration in any regulation notice of the same shall be served upon the local authority by the Company or person making the same.

Notice of regulations to be delivered to Local Authority.

**38.** No regulation and no repeal or alteration of any regulation made under the authority of this Act by the Company shall be of any force or effect unless and until the same be submitted to and confirmed by the Local Government Board who may institute such inquiry in relation thereto as they shall think fit and who at such inquiry shall hear the local authority and the Company if desiring to be heard and the said Board shall if they think fit or if requested nominate and have present at such inquiry to advise and assist them a com-

Confirmation of Regulations.

A.D. 1883. — petent and impartial waterworks engineer The Local Government Board may after such inquiry confirm or disallow any such regulation repeal or alteration in whole or in part or may confirm the same with such modification or alteration as they may think proper and no such regulation repeal or alteration shall be made by the Local Government Board on any such report as aforesaid except after a like inquiry and hearing with the like advice and assistance as aforesaid Provided that no such regulation repeal or alteration shall be confirmed or made (as the case may be) by the Local Government Board unless notice in that behalf shall have been given by the Company or by such person as the Local Government Board direct in two newspapers circulated within the Company's limits of water supply one month at least before the inquiry and one month at least before any such inquiry is held a copy of the regulation repeal or alteration in question shall be sent by the Company or person to the office of the local authority and the same shall for one month be kept open during office hours at the respective offices of the local authority and of the Company to the inspection of all persons without fee or reward and a copy of the same or of any part thereof shall be furnished to every person who shall apply for the same on payment of sixpence for every one hundred words contained in such copy.

Publication  
of regula-  
tions.

39. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company which copy shall be open to the inspection of all persons at reasonable times without payment and the Company shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Regulations  
to be binding  
upon all  
parties.

40. All regulations and every repeal of or alteration in any regulation made shall after publication in manner by the last preceding section of this Act directed be binding upon and be observed by all parties and shall be sufficient warrant for all persons acting under the same and the Company shall not be bound under any agreement to supply or continue to supply water to any premises unless such regulations as are for the time being in force are duly observed in respect of those premises.

Evidence of  
Regulations.

41. A printed copy of the regulations dated and purporting to be made as aforesaid and to be authenticated by the seal of the Company shall be conclusive evidence of the existence and of the due making confirmation and publication of such regulations in any prosecutions or proceedings under the same without adducing proof



of such seal or of the fact of such confirmation or publication of such regulations or of any of the requirements of this Act relative thereto having been complied with.

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**42.** In the event of any dispute as to whether the fittings of any person are as prescribed such dispute shall be settled by a court of summary jurisdiction on the application of either party which court may make such order as to the amount of the costs of the proceedings before such court as seems just and the decision of such court shall be final and binding on all parties.

Settlement of disputes as to sufficiency, &c. of fittings.

**43.** The Company's manager or other person duly appointed for the purpose by the Company may between the hours of nine in the forenoon and five in the afternoon enter any building or place supplied with water by the Company in order to inspect the premises for the purposes of this Act and examine the same with a view to ascertain whether there are in and about the same the prescribed fittings and whether such fittings are in good repair and if such manager or other person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from or hindered in making such inspection or examination or providing or repairing such fittings every person so offending or the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Company's officers to enter buildings.

**44.** Where in any district the Company are required or have proposed to provide a constant supply if any person supplied with water by the Company wilfully or negligently causes or suffers any fittings to be out of repair or to be so used or contrived as that the water supplied to him by the Company is or is likely to be wasted misused unduly consumed or contaminated or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of the Company he shall for every such offence be liable to a penalty not exceeding five pounds or if any person supplied with water by the Company wrongfully does or causes or permits to be done anything in contravention of any of the provisions of this Act or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption or contamination of water the Company may cut off any of the pipes by or through which water is supplied by them to him or for his use and may cease to supply him with water so long as the cause of injury remains or is not remedied and in every case of so cutting off or ceasing to supply the Company shall within twenty-four hours thereof give to the local authority notice thereof and the

Penalties for non-compliance with provisions of Act, &c.

A.D. 1883. Company may recover from such person the amount of any loss damage or injury sustained by them by or in consequence of any such acts or failure by action in any court of competent jurisdiction And the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

Company not bound to supply water in certain cases.

45. No person shall be entitled to require nor shall the Company be bound to supply any dwelling-house with water (other than by special agreement) where any part of such dwelling-house is used for any trade or business purpose for which water is required.

Company to supply East Barnet Valley Local Board with water for public purposes.

46. The Company shall unless prevented by frost unusual drought or other unavoidable cause or accident or during necessary repairs supply at a level not higher than three hundred feet above Ordnance datum level the East Barnet Valley Local Board with water for cleansing the sewers drains and streets and for street watering within the district of the said Board at the price of one shilling for every thousand gallons so long as the affording such supply shall not prevent the Company from giving a full and efficient supply for domestic purposes and the Company and the said Board may from time to time enter into and vary all such agreements as they may see fit with reference to such supply provided that the price aforesaid shall be exclusive of the reasonable charges (if any) of the Company for or in respect of any workmen attendance or apparatus furnished by them with relation to the delivery of such water at the request of the said Board or their officers and provided further that until constant supply be given under the provisions of this Act the said Board shall not be entitled to require water for the purpose aforesaid otherwise than from the trunk mains of the Company within the district of the said Board.

For preventing frauds and waste of water.

47. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

As to proceedings in bankruptcy on behalf of the Company.

48. If any person against whom the Company have any claim or demand under this Act for gas rents water rates or otherwise becomes bankrupt or files a petition for liquidation by arrangement or composition with creditors any person appointed for that purpose by the directors or secretary or clerk of the Company may represent the Company and act in their behalf in all respects as if the claim

or demand of the Company were the claim or demand of such person and not of the Company. A.D. 1883.

**49.** The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorized to raise under the Act of 1872 and not thereby made applicable for any particular purpose or if so made applicable not required for that purpose. Application of funds.

**50.** The fifty thousand pounds additional capital authorized by the Act of 1872 bearing a dividend of ten per centum per annum but limited to the profits of the year shall from the passing of this Act be distinguished as "C" Capital. Additional capital authorized by Act of 1872 to be distinguished as "C" Capital.

**51.** The Company may from time to time raise (in addition to their present capital) any further capital (to be distinguished as "D" capital) not exceeding in the whole one hundred and seventy-five thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds. Power to Company to raise additional capital.

**52.** The additional or "D" Capital of one hundred and seventy-five thousand pounds by this Act authorized to be raised shall be divided into two portions one of which comprising the sum of one hundred and sixteen thousand eight hundred pounds shall be called "Water Capital" and shall be appropriated to and used for the water undertaking only of the Company and the other of which comprising the sum of fifty-eight thousand two hundred pounds shall be called "Gas Capital" and shall be appropriated to and used for the gas undertaking only of the Company. Division of additional capital into water capital and gas capital.

**53.** Subject to the provisions of this Act the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company and the new shares or stock were shares or stock in that capital and the capital in new shares or stock so created shall form part of the capital of the Company. Incidents of shares or stock.

**54.** Subject to the provisions of this Act every person who becomes entitled to any such new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend proportioned to the amount from time to Dividends on new shares or stock.

A.D. 1883.            time called and paid on such new shares or to the whole amount of such shares or stock as the case may be.

Profits of the Company limited.

**55.** The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on different classes of stock or shares to be paid proportionately.

**56.** In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of dividend on each class of ordinary shares or stock in the capital of the Company a proportionate deduction shall be made in the dividend of each class.

Restriction as to votes in respect of preferential shares or stock.

**57.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Shares or stock to be offered by auction or tender.

**58.** Notwithstanding anything in this Act contained the Company shall when any shares or stock portion of the Gas Capital created under the powers of this Act are to be issued and before offering the same to the holder of any shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of such shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

**59.** It shall be one of the conditions of any sale of shares or stock portion of the Gas Capital under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

A.D. 1883.

Purchase-money to be paid within three months.

**60.** The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerks of the local boards of the several districts to which the limits of the Company for the supply of gas extend and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits.

Notice to be given as to sale &c. of shares or stock.

**61.** When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act Provided further that any shares or stock so offered for sale by public auction or tender more than once and not accepted as aforesaid may be dealt with by the directors of the Company and for the benefit of the Company in such manner as such directors shall in their absolute discretion think proper.

Shares or stock not sold by auction or by tender to be offered to shareholders.

**62.** Any sum of money which shall arise from the issue of any shares or stock portion of the Gas Capital by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the gas works of the Company or in paying off money borrowed by the Company for the purposes of their gas undertaking and shall not be considered as part of the capital of the Company entitled to dividend.

Application of premium arising on issue of shares or stock.

**63.** The Company shall not issue any share forming portion of the Water Capital by this Act authorized to be raised nor shall any such share vest in the person accepting the same unless and

Shares forming part of Water Capital not to

A.D. 1883.

issue until  
one-fifth  
part paid up.

Power to  
borrow in  
respect of  
additional  
capital.

until a sum not being less than one-fifth of the amount of such new share shall have been paid in respect thereof.

**64.** In addition to the sum of thirty-three thousand six hundred pounds which the Company are authorized to borrow by the Act of 1872 they may from time to time borrow on mortgage of the undertaking in respect of the additional capital of one hundred and seventy-five thousand pounds by this Act authorized to be raised any further sum or sums not exceeding in the whole forty-three thousand seven hundred and fifty pounds and of that sum they may borrow not exceeding three thousand one hundred and twenty-five pounds in respect of each twelve thousand five hundred pounds of the additional capital but no part of any such sum of three thousand one hundred and twenty-five pounds shall be borrowed until shares for such portion of the said sum of twelve thousand five hundred pounds of additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half of such portion of additional capital 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 shares for the whole of such portion of additional capital have been issued and accepted and that one-half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of such portion of the said sum of twelve thousand five hundred pounds of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the same portion of capital is raised by shares that such persons or corporations their executors administrators successors and 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.

Priority of  
principal  
moneys  
secured by

**65.** The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament relating to the Company before the passing of this Act and subsist-

ing at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages to be granted by virtue of this Act. A.D. 1883.  
existing mortgages.

**66.** The provisions of the Act of 1872 authorizing the appointment of a receiver are hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act. Repeal of provisions of Act of 1872.

**67.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorize the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. As to appointment of receiver.

**68.** The Company shall not have power to raise the money by this Act authorized to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum. As to conversion of borrowed money into capital.

**69.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the recited Act or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorized) and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

**70.** All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts. Priority of mortgages over other debts.

A.D. 1883. Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Application of moneys.

**71.** All moneys raised under this Act whether by shares or stock or borrowing or by debenture stock shall be applied only for the purposes of the Company to which capital is properly applicable.

Price of gas within district of East Barnet Valley Local Board.

**72.** The price to be charged by the Company for the gas supplied by them to consumers who shall burn the same by meter within the existing district of the East Barnet Valley Local Board shall (subject as hereinafter provided) not exceed four shillings and nine pence per one thousand cubic feet as from the thirty-first day of December one thousand eight hundred and eighty-three and four shillings and sixpence per one thousand cubic feet as from the thirty-first day of December one thousand eight hundred and eighty-four. Provided however that if the average cost to the Company of the coals delivered at their works during any quarter ending the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September and the twenty-fifth day of December in any year shall exceed sixteen shillings and three pence per ton the Company shall be entitled to charge and recover for gas supplied during the next ensuing quarter within the said district of the East Barnet Valley Local Board in addition to the said respective prices a further sum calculated at the rate of three pence per one thousand cubic feet in respect of each five shillings (up to but not beyond fifteen shillings) of such additional cost to the Company per ton of coals delivered at their works during the next preceding quarter.

Supply of Public lamps.

**73.** The price of gas supplied to the public lamps within the limits of gas supply shall not exceed the lowest price for the time being charged by the Company to any private consumer within the said limits.

Form and service &c. of instruments.

**74.** Any summons warrant demand notice order resolution declaration requisition consent approval disapproval or other document to be issued made given delivered or served under or for the purposes of this Act or any regulation thereunder may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and if the instrument of a Company shall be sufficiently authenticated by the name of their secretary being affixed thereto in print or writing or by a stamp on behalf of the Company and it shall be sufficient in all cases where any such instrument is required to be given to or served on the



owner or occupier of any premises to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any number of contiguous or neighbouring premises collectively and when so addressed may be served on more owners and occupiers than one (so that separate copies be served on the respective owners and occupiers of the several premises concerned) and any such instrument may be served on any owner occupier or other person either personally or by sending the same through the post in a letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or in case of an occupier to any inmate of the premises in respect of which it is given or served or if the premises are unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof on some conspicuous part of such premises.

**75.** Every penalty imposed by this Act may be sued for and recovered in a court of summary jurisdiction or in any court of competent jurisdiction for the recovery of any ordinary simple contract debt and shall (except where otherwise expressly provided and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company. Application of penalties.

**76.** All the costs charges and expenses of incident and preliminary to the preparing and applying for and passing of this Act and otherwise in relation thereto shall be paid by the Company. Expenses of Act.

A.D. 1883.

The SCHEDULE referred to in the foregoing Act.

## PART I.

A triangular piece of land in the parish of East Barnet in the county of Hertford about four poles in extent belonging or reputed to belong to the Great Northern Railway Company and already occupied by the Company adjoining the Company's existing Gas Works bounded on the west by the railway and land of the Great Northern Railway Company and on all other sides by the land and Gas Works of the Company.

## PART II.

Certain lands in the parish of East Barnet in the county of Hertford being about three acres and thirty-two perches in extent belonging or reputed to belong to the Company and occupied by the Company bounded towards the north-west by the boundary dividing the parishes of Hadley and East Barnet and the counties of Hertford and Middlesex towards the south by the Company's Gas Works and by land belonging to or reputed to belong to Mrs. Jane Howard and in the occupation of Mrs. Ellen Cook towards the east by land belonging to or reputed to belong to Mrs. Jane Howard and in the occupation of Mrs. Ellen Cook and towards the west and south-west by the Great Northern Railway and the Company's Gas Works.