



ANNO TRICESIMO

# VICTORIÆ REGINÆ.

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## Cap. xviii.

An Act to incorporate a Company for better supplying with Gas the Town and Parish of *Barking*, except that Part of it known as *Great Ilford Ward*, and the Parish of *Dagenham* in the County of *Essex*, and the Neighbourhood thereof; and for other Purposes. [3d May 1867.]

**W**HEREAS the Town and Parish of *Barking*, except that Part of it known as *Great Ilford Ward*, and the Neighbourhood thereof, have been supplied with Gas by Works established in or about the Year One thousand eight hundred and thirty-nine by the *Barking Gas Company*, which said Works were in the Year One thousand eight hundred and fifty-eight purchased by and are now carried on by Messieurs *Hulett* and Company, who since the said Purchase have represented the said *Barking Gas Company*: And whereas the Capital of the Company is Twenty thousand Pounds or thereabouts: And whereas the Demand for Gas in the said Places and the Neighbourhood thereof is increasing, and in order to meet such Demand the Works, Mains, and Pipes of the Company must be enlarged and extended: And whereas the Company are desirous of being incorporated and regulated by Special Act of Parliament, and of

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being

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being empowered to raise additional Capital, and of having the Powers in this Act granted to them for the more efficiently carrying on the Works and the general Business of a Gas Company within the Limits herein-after mentioned: And whereas the aforesaid Purposes 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. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "*Barking Gas Act, 1867.*"

8 & 9 Vict. cc. 16. & 18.,  
10 & 11 Vict. c. 15.,  
23 & 24 Vict. c. 106., and  
26 & 27 Vict. c. 118. incorporated.

2. The several Acts of Parliament following; that is to say, "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," "The Gasworks Clauses Act, 1847," "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act: Provided always, that the Incorporation of "The Lands Clauses Consolidation Act, 1845," shall not authorize the Company to purchase or take any Lands otherwise than by Agreement; provided also, that the "Gasworks Clauses Act, 1847," shall be held applicable as well to the Mains, Pipes, and Works already laid down and constructed, as to the Mains, Pipes, and Works hereafter to be laid down and constructed by the 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 shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression the "old Company" means the Company as constituted and existing immediately before the passing of this Act; the Expression "the Company" means the Company incorporated by this Act; and the Words "Share" and "Shareholder" include, where requisite, Stock and Stockholder; and the Expression "Superior Court" or "Court of competent Jurisdiction," or any other like Expression in this Act or in any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Limits of Act.

4. The Limits of this Act for the Supply of Gas shall extend to and include the whole of the Town and Parish of *Barking*, except that Part of it known as *Great Ilford Ward*, and the Parish of *Dagenham*, all in the County of *Essex*.

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5. "The old Company" is hereby dissolved, and the present Members of and Shareholders in that Company, and all other Persons and Corporations who shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of maintaining, providing, and extending Gasworks, and making and supplying Gas within the Limits of this Act, authorized by and under the Name of "the *Barking Gas Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Company, subject to the Restrictions and Provisions herein and in the incorporated Acts contained.

Incorporation of Company.

6. The Company shall be established for the Purpose of manufacturing and supplying and lighting with Gas within the Limits of this Act, and also for the dealing in Coal, Coke, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Matters the Product of the Coal or other Materials which may be employed in the Manufacture of such Gas, and also for letting and selling or dealing in Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks, or the Supply of Gas to the Consumers thereof, or with the general Business of a Gas Company, in such Manner as the Company may think proper.

Purposes of the Company.

7. All the Lands, Erections, and Buildings purchased by or for the old Company, or conveyed to the old Company, or to any Person on their Behalf, for the Purposes of and now belonging to the old Company, and all and every the Gasworks, Gas Meters, and other Works, Mains, and Pipes, Plugs, Pedestals, Pillars, Posts, Lamp Brackets, Lamp Burners, Apparatus, Matters, and Things, and all other Property whatsoever, at the Time of the passing of this Act belonging to the old Company or to any Persons on their Behalf for the Purposes of the old Company, shall be and the same and each and every of them are and is hereby vested in the Company incorporated by this Act.

Property of old Company vested in Company incorporated by this Act.

8. Notwithstanding the Dissolution of the old Company, and except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old Company shall be as valid as if that Company had not been dissolved, and such Dissolution and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Company were not dissolved and this Act were not passed, would be incident to and consequent on any

Saving previous Rights and Liabilities.

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any and every thing so done and suffered, and with respect to all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents and Purposes represent the old Company: Provided always, that the Generality of this Enactment shall not be restricted by any other Provisions of this Act.

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

9. All Deeds, Contracts, Bonds, and Agreements entered into before the passing of this Act by the old Company, or by any Persons acting in behalf of the old Company, and now in force, shall be as binding upon the Company and shall be of as full Force and Effect in Law in all respects against and upon the Company as if the same respectively had been entered into by the Company after the passing of this Act; and all Persons, Commissioners, and Corporations whomsoever, who at the Time of the passing of this Act shall be Parties to any such Deed, Bond, Contract, or Agreement, as aforesaid, shall be answerable to the Company for the Performance thereof in like Manner as if such Deeds, Contracts, or Agreements respectively had been made or entered into with the Company in pursuance of this Act.

Actions not to abate.

10. Nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which shall be pending by or against the old Company or any Member thereof in relation to the Affairs of the old Company, or to which the old Company or any Member thereof in relation to such Affairs shall be Party at the Date of the passing of this Act, but any such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by or in favour of or against the old Company (as the Case may be), in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the old Company, or any Member thereof, if this Act had not been passed, the Company being in reference to the Matters aforesaid in all respects substituted for the old Company.

Indemnity to Trustees and Persons authorized to act for old Company.

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

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**12.** All Persons who immediately before the passing of this Act owed any Sum of Money to the old Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue due for the same to the Company, and all Debts and Monies which immediately before the passing of this Act were due or owing by or recoverable from the old Company, or for the Payment of which the old Company are or but for this Act would be liable, shall be paid with all Interest, if any, due or to accrue due thereon by or be recoverable from the Company.

Debts owing to and by old Company recoverable.

**13.** All Gas Rates and Rents which immediately before the passing of this Act were due and payable or accruing due and payable to the old Company shall be payable to and may be collected and received by the Company in like Manner as the Gas Rates by this Act authorized to be taken.

Gas Rates or Rents to be recovered by Company.

**14.** The Capital of the Company, subject to the Provisions hereinafter contained for the Augmentation thereof, shall be Twenty thousand Pounds divided into Two thousand Shares of Ten Pounds each, and shall be called "original Capital."

Capital.

**15.** The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid, or under the Provisions of this Act deemed to have been paid, in respect thereof.

No Share to vest until One Fifth has been paid up.

**16.** One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls made in any Year upon any Share.

One Fifth of a Share the greatest Amount of a Call.

**17.** Every Person who at the Time of the passing of this Act shall be interested in or entitled to and possessed of Part of the Capital of the old Company shall, for every Ten Pounds of such Capital of the old Company so held by him, immediately before the passing of this Act be entitled to, and there shall be allotted to him, One Share of the original Capital of the Company, and every such Share so to be allotted shall be deemed to be fully paid up.

Shares to be allotted to Persons interested.

**18.** Every such Share in the Capital of the Company shall vest in the Person or Persons entitled thereto upon the same Trusts and subject to the same Powers, Provisions, Agreements, and Incumbrances; if any, as immediately before the passing of this Act affected the then existing Share in the Capital of the old Company for which

Existing Trusts attached to new Shares.

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it is substituted, and so as to give Effect to and not revoke any Will or Testamentary Disposition of or affecting such existing Share.

Increase of  
Capital.

**19.** The Company may from Time to Time increase the Capital of the Company by the Creation and Issue of new Shares of such an Amount as they shall determine, but so that the Value of any One Share shall not be less than Ten Pounds: Provided always, that the Amount of such new Shares, together with the original Capital of the Company, shall not at any Time exceed the Sum of Fifty thousand Pounds.

Power to  
attach Pre-  
ference to  
new Shares.

**20.** And whereas there are no existing Shares in the Capital of the Company entitling the Proprietors to any Preference or Priority of Interest or Dividend: Be it enacted, that it shall be lawful for the Company from Time to Time, with the Consent of Three Fourths of the Votes of the Proprietors present personally or by proxy at a General Meeting, or a Meeting specially convened for the Purpose, to attach to the new Shares to be created under this Act, or to such Part of them as to the said Meeting shall seem fit, such Preference or Priority in the Payment of Interest or Dividend not exceeding Six Pounds *per Centum per Annum* on the Amount for the Time being paid in respect of such Shares, as may be agreed upon at such Meeting or Meetings.

Limit of  
Dividends  
on new  
Capital.

**21.** The Company shall not in any Year make out of their Profits any larger Dividend on the additional Capital of Thirty thousand Pounds, to be raised by the Issue of new Shares under the Powers of this Act than Seven Pounds in respect of every One hundred Pounds of such Capital actually paid up on Ordinary Shares, or Six Pounds in respect of every One hundred Pounds of such Capital actually paid up on Preference Shares.

Power to  
borrow on  
Mortgage.

**22.** The Company may borrow on Mortgage any Sums not exceeding in the whole in respect of the original Capital of Twenty thousand Pounds the Sum of Five thousand Pounds, and in respect of the additional Capital of Thirty thousand Pounds the Sum of Seven thousand five hundred Pounds, but no Part of the respective Amounts shall be borrowed until the whole of the Twenty thousand Pounds, or, as the Case may be, the whole of the additional Capital is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the Capital of Twenty thousand Pounds, or, as the Case may be, the additional Capital, has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of  
each

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each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital respectively was issued *bonâ fide*, and is held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

23. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal or Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in respect of Principal or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than One Tenth of the Amount for the Time being due and owing on Mortgage.

Arrears may be enforced by Appointment of a Receiver.

24. The Company may create and issue Debenture Stock at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*.

Debenture Stock.

25. All Monies to be borrowed on Mortgage under this Act, from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and all the Property from Time to Time of the Company, over all other Claims on account of any Debts incurred or to be incurred, or Engagements entered into or to be entered into by them: Provided always, that such Priority shall not prejudice or affect any Claim against the Company or their Property in respect of any Rentcharge granted or to be granted by them in pursuance of the Provisions of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect any Claim or Lien of any Vendor for the unpaid Purchase Money of any Land taken by the Company for the Purposes of the Undertaking.

Mortgages to have Priority.

26. All Money raised under this Act by Shares, Debenture Stock, or borrowing shall be applied for the Purposes of this Act only.

Application of Money.

27. The Newspaper for Advertisements shall be some Paper published in the County of *Essex*.

Newspaper for Advertisements.

28. The First Ordinary General Meeting of the Shareholders of the Company shall be held within Six Months after the passing of this Act, and the future Ordinary General Meetings shall be held in the Months of *February* or *March* and *August* or *September* in every Year, or at such other stated Periods or Period as shall be appointed for that Purpose by an Order of a General Meeting.

General Meetings.

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Quorum of  
General  
Meetings.

**29.** The Quorum for any General Meeting of the Company shall not be less than Five Shareholders, holding in the aggregate personally or by proxy not less than One Twentieth of the paid-up Capital of the Company.

Number of  
Directors.

**30.** The Number of Directors shall be Five, but the Company may from Time to Time reduce the Number, provided that the Number be not less than Three.

Qualification  
of Directors.

**31.** The Qualification of a Director shall be the Possession in his own Right of not less than Twenty Shares.

First  
Directors.

**32.** *David Hulett, Erskine Humphreys, William Clarke,* and such Two other Persons as they or the Survivors, or the Majority of the Persons above named, or the Survivors of them, shall nominate in this Behalf, shall be the First Directors of the Company: Provided always, that the Acts and Proceedings of the Directors previously to such Nomination shall not be invalidated or prejudiced by reason of their Number being less than Five, and the First Directors shall continue in Office until the Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-eight; and at such Meeting the Shareholders present personally or by proxy may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or so many Directors as are required to supply the Place of those not continued in Office, the Directors appointed by this Act being qualified for Re-election; and at the First Ordinary Meeting to be held in every Year after the First Ordinary Meeting, the Shareholders present in person or by proxy shall (subject to the Power herein-before contained for reducing the Number of Directors) elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in the Manner provided by the same Act.

Quorum of  
Directors.

**33.** The Quorum of a Meeting of Directors shall be Three, provided that if the Number of Directors be reduced to Three the Quorum of a Meeting of Directors shall be Two.

Power to  
purchase  
Lands.

**34.** The Company may from Time to Time purchase, take, and hold (by Agreement but not otherwise) the whole or any Part of the Lands and Hereditaments herein-after mentioned which the Company may from Time to Time require for the Purposes of their Works and Undertaking, and no Lands shall be used by them for the Manufacture or storing of Gas except the said Lands; that is to say,

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Land



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Land situate in the Town and Parish of *Barking* in the County of *Essex*, bounded on the West by *Fisher Street*, on the North by *Hart Street*, on the East by a Lane or Passage leading out of *Hart Street*, and on the South by certain Cottages and Gardens abutting on *Fisher Street* aforesaid now belonging to the old Company, and which contains One Acre Two Roods, more or less, and forms Part of the Plot of Land numbered on the Ordnance Map 1,678;

Or Lands to be hereafter acquired by the Company, situate in the Town and Parish aforesaid, that is to say, Land comprised within the Plots 1,773, 1,775, 1,780, and 1,781, on the Ordnance Map, and containing Eleven Acres or thereabouts, and bounded on the South and West partly by *Long Mark, Barking Creek*, and partly by a Plot of Land numbered on said Ordnance Map 1,769; on the North by Two Plots of Land numbered on the said Ordnance Map 1,772 and 1,774; and on the East by Numbers 1,782 and 1,783;

And so much of the Plot of Land lying to the Eastward of the Land now belonging to the Company, and numbered 1,691 on the said Ordnance Map, as comprises a Quantity of Three Acres or thereabouts.

35. The Company may from Time to Time erect, maintain, alter, improve, enlarge, or extend upon any of the Pieces or Parcels of Land, before the passing of this Act belonging to the old Company, and by virtue hereof vested in the Company, or upon such Pieces or Parcels of Land so to be purchased by Agreement as last aforesaid, Gasworks, with all necessary and proper Buildings, Machinery, Apparatus, Works, and Conveniences, and may do all such Acts as they think proper for making and storing and for supplying Gas within the Limits of this Act: Provided always, that it shall be lawful for the Company to maintain and continue the existing Gasworks, Buildings, and Conveniences where the same now are, so long as to the Company shall seem fit, and subject to the Provisions of this Act and the Acts incorporated herewith, the Company may lay down, construct, continue, maintain, and renew any Mains, Pipes, Meters, Lamps, Lamp Posts, Burners, Stopcocks, and other Works in or under any of the Roadways, Streets, Lanes, Courts, Yards, Canals, Railway Bridges, and Thoroughfares within the Limits of this Act, and may do all such Things as are necessary for such Purposes; and may manufacture, convert, sell, provide, supply, and deal in Gas, Coke, Coal, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Products and Residuum of any Materials employed in and resulting from the Manufacture of Gas, and also Meters, Fittings, Tubes, Pipes, and other Articles in any way connected with Gasworks, or with the Supply of Gas, as they from Time to Time think fit.

As to Maintenance of Gasworks.

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36. Pro-

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Company  
not exempt  
from Lia-  
bility to  
Indictment,  
&c.

**36.** Provided always, that if the Company shall, under the Powers of this Act, manufacture or carry on any Process of Manufacture of the Produce, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, whereby a Nuisance shall be created, or whereby any Damage or Injury to adjoining Properties shall be occasioned, nothing in this Act or the Acts incorporated herewith contained shall exempt the Company from being liable to an Indictment for such Nuisance, or to any legal Proceeding for Damage or Injury to which they may be liable, in consequence of carrying on any such Process of Manufacture as aforesaid.

Power to  
lay Pipes  
against  
Buildings.

**37.** The Company, with the Consent of the Owner and Occupier of any Building, may lay any Pipe, Branch, or other necessary Apparatus, from any Main or Branch Pipe into, through, or against any 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 from Time to Time, with the like Consent, repair, replace, alter, or discontinue and remove any such Pipe, Branch, or Apparatus.

Price of  
Gas.

**38.** The Price to be charged by the Company for Gas supplied to Persons who shall burn the same by Meter shall not exceed Six Shillings for One thousand Cubic Feet.

Consumers  
to burn Gas  
by Meter if  
required.

**39.** Every Consumer of Gas supplied by the Company shall, on being required by the Company so to do, consume such Gas by Meter.

Consumer  
may provide  
his own  
Meter.

**40.** Every Consumer of Gas supplied by the Company shall be at liberty, at his own Expense, to provide his own Meter, the same being duly stamped according to Law.

Notice to  
Company of  
putting up  
Meters.

**41.** Before any Person shall connect or disconnect any Meter through which any of the Company's Gas is intended to be or has been registered, he shall not give less than Twenty-four Hours Notice in Writing to the Company of his Intention so to do.

Consumer  
to keep his  
own Meter  
in repair.

**42.** Every Consumer of Gas of the Company shall at all Times, at his own Expense, keep all Meters belonging to him whereby any Gas of the Company is registered in proper Order for correctly registering such Gas, in default whereof the Company may cease to supply Gas through such Meters, and the Company shall at all reasonable Times have Access to, and be at liberty to take off, remove, test, inspect, and replace any Meter belonging to a Consumer, such taking off, Removal, testing, inspecting, and replacing to be done at the Expense of the Company, if the Meter be found in proper Order, but otherwise at the Expense of the Consumer.

**43.** The

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43. The Company, after Twenty-four Hours Notice to the Occupier of any House or Building, or, if it be unoccupied, then to the Owner thereof, may enter the House or Building between the Hours of Nine in the Morning and Four in the Afternoon, for the Purpose of removing any Gas Meters, Gas Pipes, or other Gas Fittings belonging to the Company, and theretofore used in connexion with the Supply of Gas by them, but which Supply is from any Cause other than the Act or Default of the Company discontinued, and remove the Meters, Pipes, and Fittings accordingly; provided that if the Owner of any such unoccupied House be unknown to the Company, after due Inquiries, the Notice may be given by affixing it for Three Days to some conspicuous Part of the House or Building.

Power to  
remove  
Meters and  
Fittings.

44. In case any Consumer leave the Premises where Gas was supplied to him without paying to the Company the Gas Rate or Rent or Meter Rent due from him, the Company shall not be entitled to require from the next Tenant of the Premises Payment of the Arrears left unpaid by the former Tenant, unless the incoming Tenant had agreed with the defaulting Consumer to pay the Arrears.

Incoming  
Tenant not  
to be liable  
for Arrears  
of Gas unless  
by express  
Agreement.

45. If any Person wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any such Meter or Gas Apparatus, or any Fittings thereof, or other Thing connected therewith belonging to the Company, or fraudulently alter the Index to any such Meter, or any Part of the Meter, or any Pipe connected therewith, or fraudulently prevent the Meter from duly registering the Quantity of Gas supplied, or fraudulently abstract any of the Company's Gas, every Person so offending shall for every such Offence forfeit to the Company any Sum not exceeding Five Pounds, and the Company may, in addition thereto, recover the Amount of any Damage sustained by them, and not satisfied by the Amount of the Penalty recovered, and may also discontinue until the Matter of Complaint is remedied, but no longer, the Supply of Gas to the Person or Persons so offending, and that notwithstanding any Contract previously existing; and the Existence of artificial or irregular Means for causing the Alteration or Abstraction, when the Meter is under the Custody or Control of the Consumer, shall be *prima facie* Evidence that the same has been fraudulently caused by the Consumer using such Meter; provided that this Enactment shall not prejudice the Right of the Company to institute any Criminal Proceedings in reference to such Offence in any Case where they do not proceed summarily under this Act.

Penalty for  
damaging,  
&c. Gas  
Apparatus,  
&c.

46. All the Gas supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-

Illuminating  
Power and  
Purity of  
Gas.

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Seven-inch Chimney, and consuming Five Cubic Feet of Gas an Hour, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles of Six to the Pound burning One hundred and twenty Grains an Hour, and shall be so far free from Sulphuretted Hydrogen as not to discolour moistened Test Paper imbued with Acetate or Carbonate of Lead, when those Tests are exposed for One Minute to a Current of Gas issuing under a Pressure of Five Tenths of an Inch of Water.

Company to provide Meter to test Gas.

47. The Company shall within Six Months after the passing of this Act provide in some Part of their Works or of their principal Office, so placed as to afford a Test for all the Gas supplied by the Company, a proper and sufficient Testing Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas an Hour, and with other Apparatus proper and sufficient for testing the illuminating Power of the Gas.

Power of testing Quality of Gas.

48. Any Two Justices acting for the County of *Essex*, on the Application of any Consumers, not being less than Five in Number, may, by Order in Writing, appoint some competent Person to proceed to the Works of the Company for the Purpose of testing the illuminating Power and Purity of the Gas supplied by the Company, and the Person so employed, after giving Twenty-four Hours previous Notice to the Company, may at any reasonable Hour in the Day-time, on producing the Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power and Purity of the Gas passing through the Experimental Meter ; and if it be proved to the Satisfaction of any Two Justices acting for the said County of *Essex*, and not being Shareholders of the Company, after hearing the Parties, that the Gas supplied by the Company did not, when so tested, equal the illuminating Power and Purity required by this Act, or that the Company or their Officers prevented or hindered the Experiment being made, the Company shall forfeit for every such Offence such Sum not exceeding Twenty Pounds as the Justices shall determine.

Costs of Experiment.

49. The Costs and Expenses attending any such Experiment, including the Costs of the Proceedings before the Justices, shall be ascertained by the Justices, and shall be paid by the Company in the event of their being convicted, but otherwise shall be paid by such Consumers.

Recovery of Rates and Charges.

50. In case any Person who shall have been supplied with Gas by the Company, or who shall be liable to Payment in respect of a Supply of Gas under or by virtue of the Provisions of this Act, shall neglect  
or

*Barking Gas Act, 1867.*

or refuse to pay the Amount due in respect of such Supply for the Space of Fourteen Days after the Demand thereof by the Company, their Agent, or Collector, it shall be lawful for any Justices having Jurisdiction where such Person shall then reside, or where such Gas shall have been supplied, to issue his Summons to such Person, requiring him to appear before Two Justices having Jurisdiction, at a Time and Place named, then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of such Person, or in default of Appearance, after Proof of the Service of the Summons, either personally or at the last known Place of Abode or of Business of such Person, no sufficient Cause shall be shown to the contrary, it shall be lawful for such Two Justices to issue their Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person for the Recovery of the Amount which may be proved before such Justices to be due from such Person, together with such Costs as to such Justices shall seem just and reasonable.

**51.** Where any Person fails to pay any Gas Rate, Meter Rent, or other Sum due to the Company, the Company may recover the same with full Costs of Suit in any Court of competent Jurisdiction, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies in that Behalf.

Recovery  
of Sums by  
Action.

**52.** The Register of the Gas Meters and Gas Meters respectively shall be *prima facie* Evidence of the Quantity of Gas consumed by any Consumer of the Company, and in respect of which any Gas Rent is charged and sought to be recovered by the Company.

Register and  
Meters to be  
Evidence.

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

Several  
Names in  
One Sum-  
mons.

**54.** Any Justice who issues any Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Company of and incident to the Recovery of the Money to be levied shall be paid by the Person liable to pay the Money, and the Costs shall be ascertained by the Justices, and shall be included in the Warrant of Distress for the Recovery of the Money.

Costs of  
Distress.

**55.** Penalties imposed on the Company for one and the same Offence by several Acts of Parliament shall not be cumulative, and for this Purpose this Act and the Acts incorporated therewith shall be deemed separate Acts.

Penalties on  
the Com-  
pany not to  
be cumu-  
lative.

**56.** No Justice, except as hereby expressly provided, shall be disqualified from acting in the Execution of this Act by reason of his

No Justice  
to be dis-  
qualified.

[*Local.*]

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being

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*Barking Gas Act, 1867.*

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being a Shareholder in the Company, or by being liable to Payment of any Rent or other Charge under this Act.

Expenses of Act.

**57.** All the Costs, Charges, and Expenses of obtaining and passing this Act, and preparatory or incidental thereto, shall be paid by the Company.

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LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1867.