



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. xli.

An Act to authorize the *Burslem and Tunstall Gas Company* to raise further Capital ; and for other Purposes. [25th June 1868.]

WHEREAS by "The *Burslem and Tunstall Gas Company's* Act, 1857," the *Burslem and Tunstall Gas Company* (in this Act called "the Company"), who were at the Time of the passing of the said Act regulated by the Deed of Settlement or Copartnership and the Supplemental Deed therein recited or referred to, were incorporated, and were authorized, in addition to their then existing Share Capital of Eight thousand Pounds, to raise a further Share Capital of Fifteen thousand Pounds for the Purpose of supplying with Gas the District comprised within the Limits of the said Act, and for other the Purposes of the Company, and to borrow the Sum of Five thousand seven hundred and fifty Pounds: And whereas the Company have raised and expended the whole of the Share Capital authorized by the recited Act, and have also borrowed and now owe on Mortgage the said Sum of Five thousand seven hundred and fifty Pounds: And whereas the Demand for Gas in the District lighted by the Company has greatly increased and is increasing, and in order to provide for an increased Supply of Gas the Works and Mains of the Company must be enlarged and extended: And whereas in order to enable the

[Local.] 6 G Company

20 & 21 Vict.
c. lix.

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Company to meet the Outlay necessary for the Enlargement and Extension of their existing Works and Mains, and for carrying on their Undertaking, it is expedient that the Company be authorized to raise additional Capital, and that further Powers should be conferred on them for carrying on the Business of the Company, and that some of the Powers and Provisions of the recited Act should be altered, amended, and extended: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "*The Burslem and Tunstall Gas Company's (Amendment) Act, 1868.*"

Part of
recited Act
repealed.

2. Sections 53, 54, 55, 56, 57, and 58 of the recited Act shall be and the same are hereby repealed.

8 & 9 Vict.
c. 16.,
10 & 11 Vict.
c. 15., and
26 & 27 Vict.
c. 118. incor-
porated.

3. "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

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; the Expression "the Company" means the *Burslem and Tunstall Gas Company*; the Expression "Lighting Authority" means the *Burslem District Local Board of Health*; and the Expression "Justice" means a Justice of the Peace for the County of *Stafford*.

Act to be
construed
with recited
Act.

5. This Act shall be construed, as far as may be, together with the recited Act as One Act.

Power to
raise addi-
tional Capi-
tal by new
Shares.

6. The Company may from Time to Time raise, in addition to the Capital authorized by the recited Act, any further Sums not exceeding in the whole the Sum of Fifty thousand Pounds by the Creation of new Ordinary Shares.

Shares not
to issue until
One Fifth
paid up.

7. The Company shall not issue any Share created under the Authority of this Act, nor shall any such Share vest in the Person accepting

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accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid up in respect thereof.

8. Save as herein or in the Acts incorporated herewith or with the recited Act otherwise provided, the Holders of Shares in the additional Capital by this Act authorized to be raised shall be entitled to the like Rights and Privileges, and be subject to the like Liabilities, as the Holders of Shares or Stock in the existing Capital of the Company. Privileges,
&c. of the
Holders of
new Capital.

9. The Company shall not in any Year make out of their Profits any larger Dividends on the additional Share Capital of Fifty thousand Pounds to be raised under the Powers of this Act than Seven Pounds in respect of every Hundred Pounds actually paid of such Capital. Limit of
Dividends on
new Capital.

10. The Company may from Time to Time under the Powers of this Act borrow on Mortgage beyond the Sums already borrowed by them any Sums not exceeding the following; that is to say, when Ten thousand Pounds of the additional Capital by this Act authorized to be raised shall have been subscribed for, issued, and accepted, and One Half thereof shall have been paid up, any further Sums not exceeding in the whole Two thousand five hundred Pounds; and when and so soon as any further Sum of Ten thousand Pounds of the said additional Capital shall have been subscribed for, issued, and accepted, and One Half thereof shall have been paid up, any further Sums not exceeding in the whole Two thousand five hundred Pounds for every such Sum of Ten thousand Pounds of the said additional Capital which shall have been subscribed for, issued, and accepted, and One Half thereof fully paid up; but no Part of the before-mentioned Sums shall be borrowed until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all of the said additional Capital in respect whereof the borrowing Powers are sought to be exercised has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, Power to
borrow on
Mortgage.

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sufficient, he shall grant a Certificate that the Proofs aforesaid have been given, which Certificate shall be sufficient Evidence thereof.

Existing
Mortgages
to have
Priority.

11. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be granted by virtue of this Act.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

12. 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 shall be made shall not be less than Two thousand Pounds in the whole.

Application
of Money.

13. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only.

Notice to
Company of
putting up
Meters.

14. Any Person who shall connect or disconnect any Meter through which any of the Company's Gas is intended to be or has been registered shall give not less than Twelve Hours Notice in Writing to the Company of his Intention so to do, and in default thereof shall forfeit to the Company the Sum of Forty Shillings for every such Offence or Default.

As to laying
Mains and
Service
Pipes for
public Pur-
poses.

15. Subject to the Provisions of this Act, the Company shall at their own Expense, upon the Request in Writing of the Lighting Authority, provide, lay down, fix, maintain, and keep in repair all such Mains and Service Pipes, Lamps, Burners, Stopcocks, and other Apparatus connected therewith as may be necessary for the proper lighting of the Highways, Streets, Bridges, Cemeteries, Parks, or Thoroughfares belonging to Public Bodies under the Control or Management of such Lighting Authority, when and where the Company shall from Time to Time be required so to do: Provided always, that the Company shall not be compelled to lay down any such Mains and Service Pipes unless the Lamps for such lighting shall in every Case be within Sixty Yards of each other, nor shall they be required to provide or maintain Lamp Posts, Columns, Brackets, or other Things of the like kind.

Company to
supply Gas
to public
Lamps.

16. The Company shall, at the Request in Writing of the Lighting Authority, supply all or any of the present public Lamps within the Limits of the recited Act, or such other public Lamps to be hereafter provided and fixed as aforesaid, with so much Gas as the Lighting Authority,

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Authority, on whose Request the Supply of Gas is made, may from Time to Time desire, and the Lighting Authority may contract with the Company for such Supply.

17. Unless otherwise agreed, the Price to be charged by and paid to the Company for the Gas so supplied to or for any such public Lamps within the Limits of the recited Act shall be so calculated and fixed as to amount to the same Sum *per* Thousand Cubic Feet as the lowest Price for the Time being charged by the Company to the Consumers generally within the Limits of the recited Act; but this shall not in any Manner alter or affect any Contract for the Supply of Gas for public Lamps entered into before the passing of this Act, and now subsisting, or the Price to be charged and paid for the Gas supplied and to be supplied under such subsisting Contract.

Price of Gas
supplied to
public
Lamps.

18. The Company shall, if required by the Lighting Authority, from Time to Time light, clean, and extinguish all public Lamps under the Control of such Lighting Authority to which the Company shall supply Gas; and the Sum to be paid to the Company for such lighting, cleansing, and extinguishing, and for the Use, Maintenance, and Repair of the Service Pipes, Burners, and Stopcocks to be provided and maintained by the Company as aforesaid, shall, unless otherwise agreed, be Thirteen Shillings *per* Lamp *per Annum*, payable quarterly; in case the Company shall not light, clean, and extinguish the public Lamps, the Company shall be paid by the Lighting Authority such a Sum for the Use, Maintenance, and Repair of the Service Pipe, Burner, and Stopcock to each public Lamp as shall be agreed between them, or, in case of Difference, as shall be settled by Arbitration as herein-after provided.

Company to
light public
Lamps.

19. The Gas supplied to the public Lamps within the said Limits shall be consumed by Meter, at the Option from Time to Time of the Lighting Authority or of the Company; and in case of its being consumed by Meter, the Meters shall be provided by and at the Expense of the Lighting Authority; but neither Party shall, except as is herein-after provided, be entitled to require that a Meter be affixed to more than One in every Twelve Lamps then supplied by the Company with Gas: Provided, however, that the Lighting Authority or the Company shall be at liberty at any Time, if they think fit, to have Meters affixed to any additional Number of Lamps, the Party desiring to have such additional Meters fixed providing the same, and paying the additional Expense of providing or altering and adjusting the Lamp Posts and other Things necessary for their Reception and Use: Provided also, that if the Gas shall be supplied

Meters for
public
Lamps.

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to the public Lamps by partial Meter Indication, the Company shall, for securing Uniformity of Consumption between the metered and unmetered Lamps, from Time to Time provide the public Lamps with a proper self-acting Pressure Regulator, or other proper regulating Apparatus and Burners, to the Satisfaction of the Lighting Authority, or, in case of Difference, as from Time to Time shall be settled by the Chairman for the Time being of the Court of General Quarter Sessions of the Peace for the County of *Stafford*, or some impartial Person to be nominated by him in Writing.

Gas supplied to public Lamps to pass without Obstruction.

20. The Gas supplied to any such public Lamp shall be permitted to pass unrestrictedly to and from such regulating Apparatus for the whole of the Period during which any such public Lamp shall be lighted.

Average Amount of Indication to be deemed Amount consumed.

21. The average Amount of the Indication of all the Meters attached to the public Lamps under the Control of the Lighting Authority shall, except as herein-after mentioned, be deemed to be the Amount consumed by each public Lamp; but the Lighting Authority may from Time to Time, by Order in Writing (of which Notice under the Hand of the Clerk of the Lighting Authority shall be given to the Company), divide the District under the Control of such Lighting Authority into Divisions containing not less than Sixty Lamps, and in such Case the average Amount of the Indication of all the Meters within each such Division shall be deemed to be the Amount consumed by each public Lamp under the Control of such Lighting Authority within the same Division; and the Lighting Authority may from Time to Time alter the Limits of or discontinue any such Division, but no Division shall be created, altered, or discontinued except after Three Months Notice by the Lighting Authority to the Company.

Defective Meters to be thrown out of Account.

22 & 23 Vict. c. 66.

22. If either the Company or the Lighting Authority shall dispute the Accuracy of the Registration of any Meter, then such Meter shall be tested in manner provided by the Act passed in the Session of Parliament held in the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, intituled *An Act for regulating Measures used in Sales of Gas*, and if found to register erroneously within the Meaning of the said Act, it shall be deemed to have measured the average Amount indicated by all the Meters attached to the public Lamps within the Limits of the recited Act.

As to Quality of Company's Gas.

23. All the Gas supplied by the Company shall be of such illuminating Power at the Place of testing such Gas as to produce from

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from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Thirteen Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per* Hour.

24. All the Gas to be supplied by the Company shall be so far free from Sulphuretted Hydrogen as not to discolour moistened Test Paper imbued with Acetate or Carbonate of Lead, when such Test Paper is exposed for One Minute to a Current of Gas issuing under a Pressure of Five Tenths of an Inch of Water, and shall not contain more than Twenty Grains of Sulphur nor more than Five Grains of Ammonia in any Form in One hundred Cubic Feet of Gas; Provided that the Company and the Lighting Authority may from Time to Time agree upon any other Mode of Test by which to ascertain the illuminating Power or Purity of the Gas; and the Company shall be liable during the Continuance of every such Agreement to have their Gas tested in the Manner prescribed by the Agreement instead of the Manner herein-before specially prescribed.

Purity of
Gas and
Mode of
testing
Purity.

25. In ascertaining and estimating for the Purposes of this Act the Amount of Sulphur contained in the Company's Gas, the Process to be adopted shall be that known as Dr. *Letheby's* Sulphur Test, the Description of which is as follows; (that is to say,) the Gas shall be burnt from a *Leslie's* Burner at the Rate of not more than One Cubic Foot of Gas *per* Hour, and the Products of the Combustion of the Gas shall be conveyed, together with an Excess of the Vapour of Ammonia, into a Glass Receiver, where the condensible Products shall be condensed; and the Sulphur therein contained shall be estimated as Sulphate of Baryta, according to the recognized Chemical Methods of thus estimating Sulphur.

How Sul-
phur in
Company's
Gas to be
estimated.

26. The Company shall, within Six Months after the passing of this Act, cause to be erected in some convenient Place an Experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus, for testing, and which shall be so placed that the same may test, the illuminating Power of all the Gas of the Company, and shall at all Times keep and maintain the Experimental Meter and Apparatus in good Repair and working Order.

Company to
erect a
Meter to test
illuminating
Power of
Gas.

27. The Lighting Authority may from Time to Time, by Order in Writing, appoint some competent Person, not being an Officer

Power to test
illuminating
Power of
Gas.
or Gas.

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or Servant of the Company nor of the Lighting Authority, to test the illuminating Power and Purity of the Gas; and the Person so appointed may at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Manager or other Officer of the Company make Experiment of the illuminating Power and Purity of the Gas by means of such Experimental Meter and other Apparatus, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall be proved to the Satisfaction of Two Justices of the Peace, after hearing the Parties, that the illuminating Power and Purity of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power and Purity by this Act prescribed, or that the Company or their Officers refused, to afford such reasonable Facilities as aforesaid, or wilfully hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the Justices shall determine.

Power of
Justices to
make Order
on hearing
Complaint.

28. When on the Hearing, and whether or not the Company have appeared, it appears to the Justices that the Complaint of the Lighting Authority against the Company is well founded, the Justices shall make an Order declaring that it is well founded, and ordering the Company to pay any Penalties thereby incurred, and to remove within a reasonable Time the Grounds of Complaint, and they may by such Order direct that any specific Acts shall be done by the Company for removing the Grounds of Complaint, and the Justices may make any Order for the Payment of the Costs in accordance with the Provisions of this Act in that Behalf, and all Orders so made shall be final and binding on the Parties.

Company to
remove
Cause of
Complaint.

29. When the Company are served with any Order so made, they shall within the Time limited by the Order remove the Ground of Complaint thereby declared to be well founded, and pay the Penalty, and the Damages (if any), and the Costs (if any), thereby ordered to be paid by them.

Costs of
Experiment
to be paid
according to
Event.

30. The Costs of and attending such Experiments, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company shall be paid, together with such Penalty, by the Company, but in the event of no such Penalty being imposed on the Company then those Costs shall be ascertained by the Justices, and shall be paid by the Lighting Authority.

31. In

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- 31.** In case any Consumer shall leave the Premises where Gas was supplied to him without paying to the Company the Gas Rate or Meter Rent or other Sum due from him to the Company, 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 shall have agreed with the defaulting Consumer to pay Arrears, or shall be acting in collusion with him. As to Payment of Arrears of Gas Rents.
- 32.** The Company shall, upon the Publication of their Annual Accounts, send a Copy of the same to the Clerk of the Lighting Authority, under a Penalty of Twenty Pounds for each Default; and the Copies so sent shall be kept by the said Clerk, and shall be open to Inspection by all Persons at all reasonable Hours on Payment of One Shilling for each Inspection; but no other Fee of any kind shall be chargeable in respect of the said Accounts. Annual Accounts.
- 33.** The Company shall, within One Year from the passing of this Act, make or provide a Map of the District within which their Main Gas Pipes then lie, on a Scale of not less than Six Inches to a Mile, and shall mark thereon the Line of all their then existing Mains, and shall once in every Year correct the Map, and make such Additions thereto as will show the Line of all their Mains. Company to provide Map of Mains.
- 34.** Every Map so made or provided by the Company, or a Copy thereof, with the Time when it was made or was last so corrected expressed thereon, shall be kept by the Company at their principal Office, and shall at all reasonable Times be open to the Inspection of the Lighting Authority and their Officers, who may take Copies or Extracts from the same; and the Company may charge and take the Sum of One Shilling for every Inspection of such Map, and the further Sum of Two Shillings and Sixpence for every Extract from or Copy taken of such Map. As to Custody and Inspection of Maps.
- 35.** If the Company wilfully fail to comply with any of the Requirements of this Act with respect to the Map, they shall for every such Offence forfeit not exceeding Ten Pounds. Penalty on Company for Default.
- 36.** If and whenever any Difference shall arise between the Company and the Lighting Authority either as to Lamps to which Meters shall be affixed, or as to the Mode or Place of fixing the same, or as to the Burners to be used at the Lamps, or as to the Amount to be paid in accordance with the Provisions of this Act for Gas supplied to the public Lamps within the Limits of the recited Act, or as to the Amounts to be paid to the Company for the Differences between Company and Lighting Authority to be settled by Justices.
- [Local.] 6 I Use,

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Use, Maintenance, and Repair of the Service Pipes, Lamps, Burners, Stopcocks, and other Apparatus connected therewith (when the public Lamps shall not be lighted, cleaned, and extinguished by the Company), any such Matter in difference shall, subject to the Provisions of this Act, be settled by Two Justices of the Peace; and such Justices are hereby required, on the Application of either Party, to hear and determine every such Matter, and shall have and exercise, in addition to their ordinary and statutory Powers and Jurisdiction, all such Powers as by the "Companies Clauses Consolidation Act, 1845," are conferred upon Arbitrators acting under the Provisions of such Act; and the Costs of and attending such Proceedings shall be in the Discretion of the Justices, and shall be ascertained by them, and the Decision of the Justices, and any Order to be made by them in the Premises, shall be final and binding upon all Parties.

Price of
Gas.

37. The Price charged by the Company for Gas consumed by Meter shall not exceed the Rate of Four Shillings *per* Thousand Cubic Feet, subject to a Discount of Twelve and a Half *per Cent.*, if paid within Two Months from the Delivery of the Invoice.

Power to
sell Lands
not wanted.

38. The Company from Time to Time may sell and dispose of their Estate and Interest in all or any Part of the Lands now or hereafter belonging to the Company, and which they consider to be not wanted for the Purposes of their Undertaking.

Powers as to
Manufacture
and Supply.

39. Subject to the Provisions of this Act and of the recited Act, the Company from Time to Time may do all such Acts as they think proper for the manufacturing, storing, and supplying Gas within the Limits of the recited Act, except such Part of those Limits as is comprised within the Township and Town of *Tunstall* in the Parish of *Wolstanton*, and may manufacture, store, and supply Gas accordingly, and may manufacture, sell, provide, supply, and deal in Coal, Coke, Lime, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Chemicals, and all other Products and Residuum of any Materials employed in or resulting from the Manufacture of Gas, or which can or may be compounded or produced from the Coal or other Materials employed in the Manufacture of Gas, and may take and hold any Licence or Authority under Letters Patent to use any Invention relative to the Manufacture or Distribution of Gas, or the Utilization of the residual Products arising in the Manufacture of Gas, and may also manufacture and sell, let, or deal in Gas Fittings, Tubes, Meters, Pipes, Lamp Posts, Lamp Burners, and all other Articles and Things in any way connected with Gasworks or with the Supply or Use of Gas, and may provide and do all such Things as they may deem expedient for the Purposes or Business of a Gas Company: Provided
always,

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always, that the Company shall not be the exclusive Holders of Patent Rights, but shall hold Patent Rights only under Licence from or under the Patentees: Provided also, that nothing in this Act contained shall prevent the Company from being liable to an Indictment for Nuisance or to any other legal Proceedings to which they may be liable in consequence of any such Operations.

40. If any Person shall neglect to pay any Sum or Sums of Money due to the Company for the Supply of Gas, or for the Hire or fixing of Meters or Fittings, after Demand made thereof (such Demand being in Writing, and served personally or by leaving the same with some Inmate of the usual Place of Abode of the Defaulter), it shall be lawful for the Company, or the Directors, or any Person acting under their Authority, to summon the Party in default before a Justice, and the Justice may order that the Sum so due, or any Part thereof, may be levied by Distress and Sale of the Goods and Chattels of the Person neglecting to pay the same wherever such Goods and Chattels may be found, the Surplus, if any, being rendered to the Person so neglecting to pay, after Deduction of the necessary Charges for such Distress and Sale, and the Justice shall issue his Warrant accordingly.

Recovery of
Charges for
Gas, &c.

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

Contents of
Warrant.

42. Any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for the Recovery of the Money to be levied shall be paid by the Person liable to pay such Money, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Warrant
may include
Costs.

43. Whenever any Person neglects to pay any Gas Rate, Meter Rent, or other Sum due to the Company, the Company may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction for the Recovery of Debts of the like Amount, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies in that Behalf.

Recovery of
Sums due to
Company.

44. 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 recited Act and the Acts incorporated therewith respectively shall be deemed several Acts.

Penalties not
cumulative.

45. No

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Liability to Gas Rent not to disqualify Justices.

45. No Justice or Judge of any County Court or Quarter Sessions shall be disqualified from acting in the Execution of this Act by reason of his being liable under this Act to any Gas Rate, Meter Rent, or any Charge.

Expenses of Act.

46. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON: Printed by GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1868.

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