



CHAP. CXXX.

An Act to increase the Capital of the South Metropolitan Gaslight and Coke Company; and for other purposes with relation to the same Company. A.D. 1869.
[26th July 1869.]

WHEREAS the South Metropolitan Gaslight and Coke Company (who are herein-after referred to as the Company) were originally constituted by a deed of settlement bearing date the 20th day of February 1834, for the supply of gas within certain parishes in the county of Surrey, and they were subsequently incorporated by an Act passed in the year 1842, being "An Act for incorporating the South Metropolitan Gaslight and Coke Company, and for more effectually lighting with gas certain places within the borough of Southwark, and other parishes and places in the counties of Surrey and Kent," by which Act they were authorized to raise a capital of 200,000*l.* in shares, and 50,000*l.* by mortgage or by additional shares, and the Company have raised the whole of the said capital of 250,000*l.* in shares, and they have applied the said capital to the purposes of their Acts, and the Company are not indebted on mortgage or bond or in anywise excepting for their current expenses:

5 & 6 Vict.
c. lxxix.

And whereas the Company, by "The South Metropolitan Gaslight and Coke Company's Act, 1865," obtained powers for the purchase of additional lands in the parish of St. Giles, Camberwell, for the purpose of extending their works, which lands they accordingly bought, and the same are vested in them:

28 & 29 Vict.
c. xiv.

And whereas by "The Metropolis Gas Act, 1860," (herein-after alluded to as the Act of 1860,) the district within which the Company might exercise its powers was defined, and the same comprises a large portion of Dulwich, of Norwood, and of Streatham, where the population is scattered, and there is a very large proportion of agricultural land; nevertheless, the said district is by degrees being built upon, and the works of the Company are necessarily extending, and the capital of the Company has become insufficient to enable

23 & 24 Vict.
c. 125. (Pub.)

A.D. 1869. — them to afford the supply of gas which the inhabitants have a right to demand :

And whereas part of the land on which the works of the Company are erected is held upon a lease which will expire in the month of September 1879, and the Company, previously to the Act of 1860, had set aside a sum of money by way of renewal fund :

And whereas it is expedient that further provision should be made with respect to the supply of gas by the Company, and with respect to the means of ascertaining the purity and the illuminating power of such gas, and with respect to the division and application of the profits of the Company, and that in these respects the provisions of the "Metropolis Gas Act, 1860," should be varied and extended :

And whereas the objects of this Act cannot be attained 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 for all purposes be cited as "The South Metropolitan Gaslight and Coke Company's Act, 1869."

8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. incor-
porated.

2. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,)

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 nonpayment of calls ;

The remedies of the creditors of the Company against the shareholders ;

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 borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The giving of notices and the provisions for affording access to the special Act; and

Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to

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debenture stock) of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act. A.D. 1869.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be in the subject or context something repugnant to the construction: Interpretation of terms.

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act in whole or in part incorporated with this Act, shall for the purpose of this Act 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; and the words "share" and "shareholders" respectively include, where necessary, stock and stockholders:

The term "the Act of 1868" means "The City of London Gas Act, 1868:"

The term "half year" means a half year reckoned from the first day of January and first day of July in each year:

The term "quarter" means a quarter of a year reckoned from the first day of January, first day of April, first day of July, and first day of October in each year:

The term "day" means (except in this section) twenty-four hours, reckoned from nine o'clock in the forenoon of one day to nine o'clock in the forenoon of the next following day, so much of each day as is before nine o'clock in the forenoon being reckoned as part of the immediately preceding day of the month or week:

The term "candles" means such candles as are described in section 25 of the Act of 1860, namely, sperm candles of six to the pound, each burning one hundred and twenty grains an hour; and for the purposes of this Act this Act shall be read as one with the Act of 1860.

4. Such parts of the Act of 1860 as are described in the first schedule to this Act, and any part of any special Act of the Company inconsistent with this Act, so far only as they respectively relate to the Company, are hereby repealed as from the thirtieth day of September one thousand eight hundred and sixty-nine, and the Act of 1860 so amended shall as to the Company be read throughout as if the Board of Trade had been inserted therein instead of Her Majesty's Principal Secretary of State for the Home Department. Certain sections of 23 & 24 Vict. c. 125., as in schedule to this Act, repealed.

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Power to Company to raise additional money by creation of shares or stock.

5. The Company from time to time may raise, in addition to their present capital of two hundred and fifty thousand pounds, by the creation and issue of new shares, such sums of money as they shall think necessary, not exceeding two hundred and fifty thousand pounds, and the Company may create and issue such shares either wholly or partially as ordinary, or wholly or partially as preferential shares, as they may think fit.

Power to borrow on mortgage.

6. The Company may borrow on mortgage of their undertaking additional sums not exceeding in the whole sixty-two thousand five hundred pounds in respect of the additional capital of two hundred and fifty thousand pounds by this Act authorized to be raised, provided that in respect of every fifty thousand pounds of such additional capital created and subscribed for, issued, and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding in the whole twelve thousand five hundred pounds; but no part of any of the before-mentioned sums of twelve thousand five hundred pounds shall be borrowed until the Company shall have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the portion of the said additional capital of two hundred and fifty thousand pounds in respect of which the borrowing powers are sought to be exercised has been issued and accepted, and that one half of such portion has been paid up, and that such capital was issued bonâ fide and is held by persons or their assigns, and that such persons 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.

Arrears may be enforced by appointment of a receiver.

7. 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 of principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than five thousand pounds.

Loss from frauds of Company's servants to be deducted from dividends.

8. In case of any loss arising from fraud of the Company's servants, which the auditor shall certify has arisen from want of due diligence on the part of the directors, such loss shall be deducted from the dividends which may be declared from time to time as aforesaid, and shall in no way interfere with or prevent the

reduction in the price of gas to the consumers accruing from surplus profits. A.D. 1869.

9. The Company may create and issue debenture stock, and may attach thereto such fixed and perpetual preferential interest, not exceeding six pounds per centum per annum, as they shall think fit. Debenture stock.

10. All monies which the Company raise under this Act, whether by shares or by debenture stock or by borrowing, shall be applied for the general purposes of the Company, and for no other purpose. Application of monies raised by Company.

11. The Company may retain the renewal fund now in their hands, together with all accumulations thereof, for the purpose of obtaining a renewal of the lease of the land whereon their works are built, or for the purpose of defraying the expense of removing their works if such lease shall not be renewed; and no portion of the said renewal fund, or of the interest accruing thereon, shall be deemed part of the profits of the Company, or shall be divided among their shareholders. As to renewal fund.

12. The profits of the Company to be divided among the shareholders in any year shall not exceed the rate of ten pounds per centum per annum on the share capital of the Company authorized by Parliament and paid up and expended upon the undertaking. Profits of Company limited.

13. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to make a dividend of ten pounds per centum, the excess beyond the sum necessary for such purpose shall from time to time, to the extent of one pound per centum per annum upon the paid-up capital of the Company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Company, which sum shall form an insurance fund to meet any extraordinary claim or demand which may at any time arise against the Company from accident which due prudence and management on the part of the Company and its officers could not have prevented, and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time, as often as such reduction shall happen, provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend: Provided that it shall not be lawful for the Company to set aside any profits for the purpose of forming an insurance fund until the reserve fund which they have created If profits exceed the amount limited, excess to be invested and form an insurance fund.

A.D. 1869. by virtue of the Acts relating to the Company has been reduced below a sum equal to one-twentieth part of the paid-up capital of the Company, but such reserve fund shall in the meanwhile be applicable to the purposes for which it was formed, and also to the purposes of the insurance fund.

Application of excess of profits over 10 per cent.

14. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to make a dividend at the rate of ten pounds per centum per annum, and to form or make up the insurance fund by this Act authorized, the excess shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Appointment of referees.

15. The Board of Trade shall, as soon as may be after the passing of this Act, appoint three competent and impartial persons, one at least of them having practical knowledge and experience in the manufacture and supply of gas, who shall be called the gas referees (and who are in this Act referred to as the referees), and in case of a vacancy happening among them by death, resignation, or otherwise, shall appoint a competent and impartial person to fill the vacancy, one at least of the three being always qualified as aforesaid.

Continuance of referees.

16. Every person appointed to be one of the referees shall continue in office for one year only from the date of his appointment, but shall be capable of re-appointment.

Quorum, &c. of referees.

17. Two of the referees shall be a quorum, and at least two of the referees shall concur in every act or determination of the referees.

Certificates of referees.

18. A copy of each certificate of the referees required by this Act shall be sent by them to the Metropolitan Board of Works and to the Company.

Mode and times of testing illuminating power.

19. The referees shall, subject to the provisions of this Act, from time to time prescribe and certify the mode to be adopted for testing and recording the illuminating power of gas supplied by the Company, and the number of the times of testing.

Examination of gasworks by referees.

20. The referees shall, with all practicable speed after their appointment, and the referees for the time being may from time to time thereafter, inspect the works of the Company and investigate the processes of manufacture carried on therein, with the view of ascertaining the means adopted therein for purifying gas and for preventing nuisance, and may from time to time apply all such tests as they think expedient at the works of the Company or elsewhere for ascertaining the amount of sulphur and ammonia and of compounds thereof, or other impurity, with which gas supplied by them is charged.

- 21.** The Company shall give to the referees and each of them, and to their clerks, servants, and workmen, access to the works of the Company, and shall, when required, afford to them and him all facilities for the proper execution of their and his duty. A.D. 1869.
Access to works.
- 22.** The referees shall from time to time ascertain with what degree of purity the Company can reasonably be required to make and supply gas continuously without occasioning a nuisance to the neighbourhood in which the works are situate, and shall thereupon prescribe and certify the maximum amount of impurity in each form with which gas supplied by the Company shall be allowed to be charged, and the time from which the allowance thereof shall be enforced as against the Company, regard being had to the necessity for any alteration of works by the Company consequent on any such certificate. Certificate of maximum and time.
- 23.** The referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the purity of gas supplied by the Company, and the number of the times of testing. Mode and times of testing purity.
- 24.** The gas for public lighting shall, if required by either party, be supplied by measurement, and the referees shall, if required by either party, from time to time prescribe and certify the mode of ascertaining the quantity of gas consumed by the public lamps. Mode of measuring gas for public lamps.
- 25.** Gas supplied by the Company shall be wholly free from sulphuretted hydrogen, and nothing in this Act shall authorize the referees to allow of gas being charged with any amount of impurity in that form. Freedom from sulphuretted hydrogen.
- 26.** The referees shall from time to time prescribe and certify what testing places and what apparatus therein for testing the illuminating power and purity of gas shall be provided by the Company, every such place being as near as may be, but not less than one thousand yards distant from the station from which the gas to be tested thereat is supplied, and the Company shall provide and maintain such testing places and apparatus accordingly, but so that not more than one testing place be required for each station at which gas is manufactured. Provision of testing places and apparatus.
- 27.** The prescribed testing places and apparatus provided by the Company shall be under the control and management of the Metropolitan Board of Works. Control, &c. of testing places.
- 28.** The Company may also have a separate testing place in the same building under their own control and management. Separate testing place for Company.
- 29.** The referees shall prescribe the burner for testing the illuminating power of the gas, and it shall be such as shall be the most Description of burner for testing illu-

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illuminating power.

Appointment of gas examiner.

suitable for obtaining from the gas the greatest amount of light, and be practicable for use by the consumer.

30. The Metropolitan Board of Works shall, as soon as may be after the passing of this Act, appoint and shall always keep appointed a competent and impartial person or persons to be a gas examiner or gas examiners for the several testing places.

Appointment of chief gas examiner.

31. There shall be a chief gas examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

Daily testing.

32. A gas examiner shall at each testing place test daily the illuminating power and purity of gas supplied by the Company, and in the event of the same being ascertained to be defective in either particular he shall forthwith give notice thereof to the Company.

Testings for illuminating power.

33. There shall be testings of illuminating power made three times at least each day, and at intervals of not less than one hour, between the hours of five o'clock and ten o'clock in the afternoon in the months of October to March, both inclusive, and between the hours of eight o'clock and eleven o'clock in the afternoon in the months of April to September, both inclusive, and nothing in this Act shall authorize the referees to prescribe fewer testings than those directed by this section.

Illuminating power for day.

34. The average of all the testings of illuminating power prescribed by the referees on each day shall be deemed to represent the illuminating power on that day.

Representation of Company.

35. The Company may, if they think fit, on each occasion of the testing of the gas by a gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

Daily reports and access to books.

36. Each gas examiner shall on each day make and deliver a report of the result of the testings conducted by him on the immediately preceding day to the Metropolitan Board of Works, and to the chief gas examiner and to the Company, and the books kept by a gas examiner for recording the results of the testings by him shall be open at all reasonable times to the inspection of the Company without payment.

Appeal to chief gas examiner.

37. If the Company think themselves aggrieved by any report of a gas examiner, they may, within seven days after the day on which the report shall have been made, appeal to the chief gas examiner, whose decision (after hearing the parties) shall be final and conclusive, and the chief gas examiner shall report every such decision to the Metropolitan Board of Works and to the Company.

- 38.** If in any case the Company do not appeal as aforesaid the report of the gas examiner shall be final and conclusive. A.D. 1869.
- 39.** The gas supplied by the Company from the thirtieth day of September one thousand eight hundred and sixty-nine shall (subject to the provisions of this Act) be of such an illuminating power as to produce from the prescribed burner, consuming five cubic feet per hour, a light equal in intensity to the light produced from fourteen sperm candles. Where no appeal, report of examiner final. Illuminating power.
- 40.** The maximum price chargeable by the Company for gas shall (subject to the provisions of this Act) be at the rate of three shillings and sixpence per thousand cubic feet. Maximum price of gas.
- 41.** If in the month of January in the year one thousand eight hundred and seventy-two, or any subsequent year, application is made to the Board of Trade by the Company or by the Metropolitan Board of Works for a revision of the scale of illuminating power and price, the Board of Trade shall appoint not less than two or more than three competent and impartial persons to be commissioners for the purpose, one of whom shall practically understand the making of gas and its distribution, and one other shall be a barrister-at-law, if required by either party. Appointment of commissioners.
- 42.** The commissioners so appointed may inspect the works and books of accounts and documents of the Company, and the Company shall give to such commissioners access to their works, and produce for inspection all such books of accounts and documents as may be required by such commissioners, and afford them all facilities for the proper discharge of their duty. Commissioners may inspect works and books of Company.
- 43.** The commissioners may summon any person to give evidence or to bring and produce documents before them, and may administer oaths and take affidavits and declarations. Evidence, &c.
- 44.** If any person wilfully fails to attend in obedience to a summons of the commissioners (the reasonable expenses of his attendance having been paid or tendered to him), or refuses to answer, or knowingly and wilfully answers untruly, any lawful and relevant question put to him by or before the commissioners, or without lawful excuse refuses to bring or produce before them any document which he is by any such summons required to bring or produce, every such person shall for every such offence be liable, on summary conviction before a justice, to a penalty not exceeding fifty pounds. Penalties for disobedience, &c.
- 45.** If any person on examination on oath or affirmation before the commissioners, or in any affidavit or declaration used before Penalty on persons giving false evidence.

A.D. 1869. them, wilfully gives false evidence, he shall be deemed guilty of perjury.

Protection of commissioners.

46. The commissioners shall have the like protection and privileges, in respect of any act done or omitted to be done in execution or intended execution of their duties, as justices of the peace acting in execution of their office have by law.

Power to obtain assistance, &c.

47. The commissioners may obtain such advice and assistance as they think fit.

Majority to bind.

48. Any decision or act of two of the commissioners shall be deemed the decision or act of the commissioners.

Power and price to be fixed for year.

49. The commissioners so appointed shall, after hearing the Company and the Metropolitan Board of Works, if desiring to be heard, fix an illuminating power and a price for the Company, to take effect as on and from the first day of January in the year of revision.

If no application, power and price to remain.

50. If no such application for a revision of the scale is made in the month of January in any year, the minimum of illuminating power and the maximum of price for that year shall be those prescribed by this Act.

Rules for fixing power and price.

51. In fixing the illuminating power and price for the Company for any year the commissioners shall observe the following rules :

- (1.) They shall fix such an illuminating power and such a price as shall be calculated to yield to the Company, with due care and management, a dividend in that year (after allowing for the excess or surplus, if any, carried in the then last preceding year to the credit of the divisible profit, and to the insurance fund of the Company,) attaining as near as may be, but in no case exceeding, the rate of ten pounds per centum per annum, and to make up the insurance fund authorized by this Act to be made up :
- (2.) They shall take into account any saving or economy which they shall be of opinion might be effected by amalgamation of the Company with any other Company :
- (3.) They shall not fix in any case an illuminating power lower or a price higher than the minimum of illuminating power and maximum of price prescribed by the Act of 1860 :
- (4.) Subject to the foregoing provisions they shall fix the illuminating power as high and the price as low as circumstances admit.

Costs of revision.

52. If the Company applies for a revision, they shall, in the event of their failing to obtain any alteration in the price or illuminating

power, pay the costs thereof out of the sum applicable to dividend, but if such application be successful the costs thereof shall be chargeable to ordinary expense of management; and if the Metropolitan Board of Works apply for a revision they shall, in the event of their failing to obtain any alteration in the price or illuminating power, pay the cost thereof; but if the application be successful, the cost thereof shall be paid by the Company out of the revenue, and the amount of the costs shall be settled by the Board of Trade, and shall be paid to such persons as they shall direct. A.D. 1869.

53. Not more than three days after the end of each quarter the chief gas examiner shall make a report to the Metropolitan Board of Works and the Company on the results of the daily testings made in that quarter in connexion with each station of the Company, and shall state therein with respect to gas supplied by the Company from each station in that quarter,— Quarterly report of chief gas examiner.

- (1.) The illuminating power on each day:
- (2.) The amount of impurity in each form on each day.

54. The Company shall keep a register of all the gas delivered by them from each station on each day, and shall afford access thereto at all reasonable times to the Metropolitan Board of Works and their agents, and if the Company at any time fail to comply with this section they shall for every such offence be liable to a penalty not exceeding ten pounds. Register of gas made.

55. If on any day the gas supplied by the Company from any station is of less illuminating power than it ought to be under this Act, the Company shall forfeit a sum equal to the value of the defective power, estimated at the rate of twenty shillings for every half candle of defective power on every one hundred thousand cubic feet or any fractional part less than one hundred thousand cubic feet of gas, whether cannel or common, respectively delivered from that station on the day of default. Forfeiture for defect of power.

56. If on any day the gas supplied by the Company from any station is of less purity than it ought to be under this Act, the Company shall forfeit a sum not exceeding fifty pounds for each station in respect of which they are so in default. Forfeiture for excess of impurity.

57. Provided that no forfeiture shall be incurred in any case with respect to which it is certified by the chief gas examiner that the defect of illuminating power or excess of impurity was occasioned by an unavoidable cause or accident. Saving for unavoidable accident, &c.

58. The report of the chief gas examiner on appeal, or the report of a gas examiner after the time for appeal has elapsed and Evidence of liability to forfeiture.

A.D. 1869. no appeal has been brought, showing a case of defective power or excessive impurity, shall be conclusive evidence of the liability of the Company to a forfeiture in respect thereof, and every forfeiture under this Act shall be leviable by distress; and on proof of any such report before two justices or a magistrate at any time within one month after the date of the report, such justices or magistrate shall issue their or his warrant of distress accordingly.

Forfeiture to be borne by dividend.

59. Every such forfeiture shall be borne and paid (to the satisfaction of the auditor appointed as in this Act provided) exclusively by and out of the divisible profits of the Company, and by way of reduction of dividend.

Auditor of accounts.

60. There shall be an auditor of the accounts of the Company, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

Ascertainment of capital of Company.

61. The auditor shall with all practicable speed after the passing of this Act investigate the accounts of the Company, and ascertain and certify the amount of its capital, distinguishing share from loan capital.

Form of accounts.

62. The auditor shall from time to time prescribe an uniform form of accounts to be kept by the Company.

Periodical audit.

63. The auditor shall half yearly audit the accounts of the Company, and if he finds the same correct he shall certify the same respectively; but if in any instance he finds the accounts incorrect in principle or in detail, he shall require the Company to correct the same in such manner as he thinks right, and a dividend shall not in any case be declared until the accounts are certified by the auditor; the accounts as certified shall be laid before both Houses of Parliament.

Facilities for auditor.

64. The Company shall give to the auditor, his clerks and assistants, access to the books and documents of the Company, and shall when required furnish to him and them all vouchers and information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty.

Arbitration between auditor and Company.

65. If the Company think themselves aggrieved by any act or determination of the auditor, the matter in difference shall be referred to the determination of an arbitrator agreed on between the Company and the auditor, or, in default of agreement, appointed, on the application of either party, by the Lord Chief Justice of the Court of Common Pleas, and the reference shall be subject and

according to the provisions of "The Common Law Procedure Act, 1854," and the decision of the arbitrator shall be final and conclusive, and subject to this provision the Company shall observe and abide by the directions and determinations of the auditor. A.D. 1869.

66. All gas supplied by the Company to a private customer shall (except in case of accident or repairs) be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying the customer's house, building, or lands. If the Company fail to comply with this section they shall for each day on which they so fail be liable to a penalty not exceeding ten pounds. Pressure of gas.

67. The Company, in supplying gas to public lamps, or the parish authorities, may, at their own expense, cause to be affixed to each lamp a street lamp governor, and the parish authorities or the Company (as the case requires) shall be entitled to have access thereto for the purpose of examining the same; and in case any dispute arises between the Company and the parish authorities with reference to the affixing, operation, or inspection of governors, the same shall be referred to the determination of the chief gas examiner, whose decision shall be final and conclusive. Governors for street lamps.

68. The Company shall not charge a higher price per one thousand cubic feet for gas supplied to the public lamps than the lowest price per one thousand cubic feet charged by them at the same time to any private customer; but if the Company contend that there are special circumstances justifying them in charging a lower price to any other customer, the question shall be determined by arbitration whether or not such lower price shall be taken as the standard for the price to be charged, and the price fixed by such arbitration shall continue for two years at least. Limit of charge for gas supplied to public lamps.

69. Section thirty-eight of the Act of 1860 shall for the purposes of this Act be read as if "The Lands Clauses Consolidation Act, 1845," were therein mentioned instead of "The Companies Clauses Consolidation Act, 1845." Settlement of differences by arbitration.

70. The Company shall within six months of the passing of this Act make a map of the district within which their mains or pipes may be laid to a scale of not less than three feet to a mile, and shall show thereupon the lines and sizes of all their existing mains or pipes excepting the service pipes, and shall once in every year, on or before the thirty-first day of December, correct such map and make such alterations in or additions thereto as may be necessary to show Company to make a map of mains and appliances beneath the public ways.

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Penalty on Company for default.

71. If the Company wilfully fail to comply with any requirements of this Act in respect of such map, they shall for every such offence forfeit and pay any sum which two justices of the peace may adjudge, not exceeding the sum of fifty pounds.

Incoming tenants continuing the use of gas to give security to Company.

72. When any person shall enter upon the occupation of a house or premises to which at the time of such entering gas is furnished by the Company, and shall continue or propose to continue the use of such gas, he shall, if so required in writing by the Company or any of their officers, give to the Company security for the payment of the gas to be supplied to him, and for the rent of the meter, in the manner and upon the conditions prescribed by the fifteenth and sixteenth sections of the Metropolis Gas Act, 1860; and in the event of his failing to provide such security within seven days after it has been so required, the Company may discontinue the supply, without prejudice, nevertheless, to their right to recover from the said person the price of the gas consumed by him during his occupancy of the said house or premises.

Fixing minimum rent for gas.

73. Notwithstanding anything contained in "The Metropolis Gas Act, 1860," the Company shall not be compelled to lay on gas for any stable or other outbuilding where the Company do not supply gas to the house to which such stable or outbuilding belongs, unless the person requiring such gas shall agree that the consumption of gas in such stable or outbuilding be at the rate of at least ten shillings per annum, or unless such person shall pay the expense of service pipe and meter.

Deposit in case of dispute.

74. Where a dispute arises between the Company and one of their customers respecting any payment to be made to the Company, if the customer deposits with the Company by way of security the amount claimed by them, it shall not be lawful for the Company to discontinue the supply of gas to the customer by reason of the dispute, but nothing herein shall authorize the Company, where such deposit is not made, to discontinue the supply of gas to the customer in any case in which they would not have been authorized to do so if this Act had not been passed.

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75. Before any person connects or disconnects, or allows any other person to connect or disconnect, any meter by which any of the Company's gas is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Company of his intention so to do, and if any person fail so to do every person so offending shall for every such offence forfeit not exceeding five pounds.

A.D. 1869.
Notice to
Company of
connecting
or discon-
necting
meters.

76. Every consumer of gas of the Company shall at all times at his own expense keep every meter belonging to him whereby any gas of the Company is registered in proper order, and proper and sufficient in all respects for correctly registering the gas, and in default thereof the Company may cease to supply gas through the meter, 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, the taking off, removal, testing, inspecting, and replacing to be done at the expense of the Company if the meter be found in proper order, and proper and sufficient in all respects, but otherwise at the expense of the consumer; and if any consumer refuses or prevents the access to and the removal of such meter for the purpose aforesaid, it shall be lawful for the Company to cut off the supply of gas without further notice.

Repair of
meters.

77. The Company, after twenty-four hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if unoccupied, then to the owner or lessee of any land, house, or building in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of gas is, from any cause other than the fault of the Company, discontinued, may enter the premises within the hours of nine in the morning and four in the afternoon, for the purpose of removing, and may remove, the pipes, meters, or fittings, repairing all damages caused by the entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or if the person or his address be not known to the Company after due inquiry, then by being affixed on some conspicuous part of the premises.

Power to
remove
meters and
fittings.

78. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fitting of the Company, or fraudulently alters or suffers to be altered the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or connects or suffers to be connected with a meter any gas burners of a number or size greater than the

Fraudulently
injuring
meters.

A.D. 1869. number or size proportioned to the size and capacity of the meter, shall, without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender, for every such offence forfeit and pay to the Company not exceeding five pounds, and the Company may in addition thereto recover the amount of any damages by them sustained; and notwithstanding any contract with respect to the supply of gas to the person so offending, the Company may also discontinue the supply of gas to the person so offending, and the existence of artificial means for the alteration or prevention when the meter is in the custody or control of the consumer shall be *prima facie* evidence that the same has been fraudulently, knowingly, and wilfully caused by the consumer using the meter.

For preventing frauds and waste of gas.

79. If and whenever any person supplied with gas by the Company wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of the Company's gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of damage or injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all loss, damage, or injury which the Company sustain by reason of any such thing or failure, and the remedies of the Company under this section shall be in addition to their other remedies in that behalf.

Recovery of charges for gas.

80. In case any person who has been supplied with gas by the Company, or who is liable under this Act to any payment in respect of a supply of gas, or the use or repair of any meter, fails for fourteen days after demand thereof by the Company, their agent or collector, to pay the amount due in respect of the supply or of the meter, any justice, on application by the Company, shall issue his summons to the person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid, and if on the appearance of the person, or in default of appearance after proof of the service of the summons, either personally or at his last known place of abode or of business, sufficient cause be not shown to the contrary, the justice shall issue his warrant of distress for the seizure and sale of the goods and chattels of the person for the recovery of the amount proved before the justice to be due from the person, with such costs to be settled by the justice, and including the costs of cutting off the gas, if the same be cut off by the Company, as the justice thinks just and reasonable.

81. Whenever any person fails to pay any gas rent or meter rent or sum due and payable by him to the Company, the Company may recover the same in any court of competent jurisdiction for the recovery of debts of like amount, and the remedies of the Company under this section shall be in addition to their other remedies for the recovery of the rent or sum.

A.D. 1869.
Recovery of sums due to Company.

82. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Company.

Register of meter to be primâ facie evidence of gas consumed.

83. Penalties imposed on the Company for one and the same offence by several Acts of Parliament are not cumulative, and for that purpose this Act and the Acts incorporated therewith are several Acts.

Penalties on Company not cumulative.

84. Every forfeiture and penalty payable under the provisions of this Act shall be recovered in the manner prescribed by "The Gasworks Clauses Act, 1847," "with respect to the recovery of damages not specially provided for and of penalties," and if payable by the Company shall be borne and paid by and out of the divisible profits of the Company.

As to penalties.

85. Except as is by this Act otherwise expressly provided, no justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or meter rent or other charge under this Act.

Liability to gas rent not to disqualify justices.

86. The remuneration of the referees and of the chief gas examiner and of the auditor shall be such as the Board of Trade from time to time direct, and the same and all expenses properly incurred by them in or about the execution of their duties shall be paid by the Company, on demand, to such fund or account and in such manner as the Board of Trade from time to time direct, and shall be a debt due from the Company to the Crown, and shall be recoverable accordingly with costs.

Remuneration and expenses of gas referees, &c.

87. The remuneration of the gas examiners and all expenses incurred by them in executing their duties shall be paid by the Metropolitan Board of Works.

Remuneration and expenses of gas examiners.

88. Nothing in this Act contained shall exempt the Company or their gasworks from the provisions of "The Metropolis Gas Act, 1860," excepting so far as those provisions are varied by this Act, or of "The Act for regulating Measures used in Sales of Gas," as amended by subsequent Acts, or of any other general Act already or hereafter passed in the present or any future session of Parliament for regulating gas companies in the metropolis, or for regulating the supply or sale of gas in the metropolis, and applicable to the

Company not exempt from provisions of general Acts.

[Ch. cxxx.] *The South Metropolitan Gaslight and Coke Company's Act, 1869.* [32 & 33 VICT.]

A.D. 1869. — Company, or from any future revision and alteration by Parliament of the gas rents and meter rents by this Act authorized.

Expenses of Act. **89.** 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.

The **SCHEDULE** to which the foregoing Act refers.

Parts of "Metropolis Gas Act, 1860," so far as they relate to the South Metropolitan Gaslight and Coke Company, repealed.

Section two, so far as it incorporates the provisions of "The Gasworks Clauses Act, 1847," with respect to the amount of profit to be received by the undertakers from the gasworks carried on for their benefit, or imposes any restriction on a company in respect of the rate of dividend.

Sections seven to twelve, both inclusive.

Sections twenty-five to thirty-four, both inclusive.

Section thirty-seven.

Sections forty and forty-one.