



## CHAPTER lxxix.

An Act to extend the limits of supply of the Bath Gaslight and Coke Company ; to enable that Company to raise additional capital, and to confer further powers upon them ; and for other purposes. [29th June 1875.]

A.D. 1875.

**W**HEREAS by the Bath Gas Act, 1856 (in this Act called “ the Act of 1856 ”), the Bath Gaslight and Coke Company (in this Act called “ the Company ”) were re-incorporated, and the limits within which they were authorised to supply gas were declared to be the city of Bath and the parishes of Weston, Twerton, Swainswick, and Charlcombe, in the county of Somerset :

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And whereas by the Act of 1856 it was (section 16) enacted that the capital of the Company should be eighty-five thousand pounds, whereof shares for sixty thousand pounds (in two thousand five hundred class A shares of sixteen pounds each, and two thousand five hundred class B shares of eight pounds each) were vested in the existing shareholders of the Company as fully paid-up shares, and the Company were authorised to raise the remainder of their capital by shares either of one class and with the like privileges, or of several classes and with different privileges, and of the same or different amounts, and with any fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other dividend or interest, as the Company from time to time should think fit, and the Company were authorised to borrow on mortgage or bond sums not exceeding in the whole fifteen thousand pounds :

And whereas by the Bath Gas Act, 1865 (in this Act called “ the Act of 1865 ”), the limits of supply of the Company were extended so as to comprise and include the parishes, townships, or places of Bathampton, Bathford, Batheaston, Monckton Combe, Claverton, Englishcombe, Newton Saint Loe, Corston, Saltford, and Kelston, in the county of Somerset, and Box and Ditteridge, in the county of Wilts, and the Company were authorised to raise the further sums of fifty thousand pounds by new ordinary shares or stock :

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And whereas it is expedient that the limits within which the Company may supply gas be further extended :

And whereas the Company have raised and expended nearly the whole of the moneys which by the Acts of 1856 and 1865 they were authorised to raise by shares, stock, or borrowing, and it is expedient that they be authorised to raise further moneys :

And whereas the works of the Company for the manufacture and storage of gas are insufficient for the requirements of the Company, and it is expedient that the Company be authorised to construct additional works for those purposes upon the lands in that behalf mentioned in this Act, and to purchase such of those lands as do not belong to the Company, compulsorily or by agreement :

And whereas plans of the lands by this Act authorised to be purchased compulsorily, with a book of reference thereto containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, have been deposited with the clerk of the peace for the county of Somerset, and are in this Act referred to as "the deposited plans" :

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 of the Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Bath Gas Act, 1875."

Former Acts and this Act to be construed together.

2. The Act of 1856 and the Act of 1865 (as amended respectively by this Act) and this Act shall be read and construed together as one Act.

Incorporation, &amp;c. of Gasworks Clauses Acts.

3. The Gasworks Clauses Act, 1847, save where expressly varied or excepted by or inconsistent with this Act, is incorporated with and forms part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the existing undertaking of the Company, as if the same had been authorised by this Act: Provided that nothing herein contained shall repeal so much of section 60 of the Act of 1856 as enacts that the Company shall, when required by the mayor, aldermen, and burgesses of the city and borough of Bath, supply gas for the lighting of the streets within the said city and borough, at a price not exceeding three pounds a year for every lamp or burner burning not more than three thousand six hundred and fifty hours a year, and consuming on the average not more than four cubic feet of gas an hour, including the cost of lighting such

lamps, and painting the pillars, and painting, cleansing, and keeping in repair the lamps necessary for such lighting. A.D. 1875.

4. The following Acts and parts of Acts are (save where expressly varied or excepted by or inconsistent with this Act) incorporated with and form part of this Act; that is to say, Incorporation of other general Acts.

The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to—

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 creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The making of dividends;

And the provision to be made for affording access to the special Act by all parties interested:

Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869."

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated with this Act, shall, for the purposes of this Act, be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute. Interpretation of terms.

6. The limits of the Company for the supply of gas are hereby extended so as to include so much and such parts of the several parishes, townships, and places next herein-after mentioned as lie or lie within a circle drawn with a radius of five miles from the steps of the Guildhall of the city of Bath, that is to say, Limpley Stoke, Freshford, Southstoke, and Midford, in the county of Somerset, and Limpley Stoke, in the county of Wilts, and the Company may within those extended limits exercise all such powers as by the Act of 1856 and the Act of 1865, or either of those Acts, the Company are authorised to exercise within their limits for the supply Limits of Company for supply of gas extended.

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Power to Company to raise additional capital.

**7.** The Company may from time to time raise (in addition to their present capital) any further sums not exceeding in the whole seventy-five thousand pounds, by the creation and issue of new ordinary shares or stock in their capital, but no such share shall be of less amount than ten pounds.

Shares not to issue until one fifth part paid up.

**8.** 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 less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

**9.** One fourth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Limit of dividends on new capital.

**10.** The Company shall not in any year pay out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than the following, namely, in respect of fifty thousand pounds of such additional capital seven pounds per cent., and in respect of twenty-five thousand pounds of the same capital five pounds per cent. on the amounts actually paid up of such capital, and the said additional capital shall be raised in such manner that the five pounds per cent. capital shall always be in the proportion of one half to the seven pounds per cent. capital.

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

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

Application of moneys.

**12.** All moneys raised under this Act shall be applied only for the purposes of this Act and of the Acts of 1856 and 1865 as respectively amended by this Act, and the Company may apply for the purposes of this Act any moneys raised or to be raised under the Acts of 1856 and 1865, or either of those Acts, and which they do not require for the purposes thereof.

Power to purchase lands and erect and maintain gas-works, &c.

**13.** Subject to the provisions of this Act the Company may enter upon, take, and use all or any of the lands described in Part I. of the schedule to this Act, or any part of such lands respectively, and on those lands or any part thereof respectively may erect, con-

struct, and maintain, and from time to time alter or enlarge retorts, gasholders, receivers, meters, apparatus, and works for the manufacture and storing of gas, together with all necessary and proper roads, approaches, and conveniences, and may manufacture, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal liquor, and all other products or residuum of any materials employed in or resulting from the manufacture of gas; and

(A.) Section 56 of the Act of 1856, and so much of section 5 of the Act of 1865 as begins with the words "provided always" and ends with the words "deteriorating its purity," are hereby repealed, and the prescribed number of candles shall, for the purpose of giving effect to the provisions of the Gasworks Clauses Act, 1871, be fourteen: Provided that, inasmuch as the Company are not required by the Act of 1865 to supply gas of a greater illuminating power than twelve candles, and inasmuch as the testing place by this Act prescribed will be at the distance of a mile or thereabouts from the works of the Company, the Company shall not be liable to any penalty unless the illuminating power falls below thirteen and a half candles: Provided further, that if at any time hereafter the corporation shall cease to provide a testing place under this Act, then the Company shall forthwith provide a testing place at their works, and the proviso in this section exempting the Company from penalties unless the illuminating power of their gas falls below thirteen and a half candles shall cease to have effect.

(B.) The prescribed burner shall be Sugg's London Argand No. 1, of the description now prescribed by the referees under the Metropolis Gas Act, 1860, or, with the consent of the corporation, any other burner prescribed or approved by the Board of Trade for this purpose. A specimen of the said test burner shall be deposited at the office of the clerk of the peace for the city of Bath, and shall be open to inspection and comparison at reasonable times.

(C.) The gas supplied by the Company shall not, as to its purity, contain more than five grains of ammonia nor more than thirty grains of sulphur, other than sulphuretted hydrogen (of which, as provided by the Gasworks Clauses Act, 1871, there shall be no trace), in every hundred cubic feet of gas. The apparatus for, and mode of testing the presence in the gas of ammonia shall be that prescribed for the time being by the referees under the City of London Gas

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Act, 1868, or, with the consent of the corporation, any other apparatus or mode of testing prescribed or approved by the Board of Trade for this purpose, and the apparatus and mode of testing the presence in the gas of sulphur, other than sulphuretted hydrogen, shall be by the test known at this time as Dr. Letheby's test.

(D.) The prescribed testing place shall be the office of the gas examiner appointed by the corporation of Bath, situate at the municipal offices, High Street, Bath, or some other place (being, as nearly as may be, one mile from the works of the Company), to be from time to time notified in writing by the corporation to the Company, and to be provided by the corporation at their expense, and the hours for testing illuminating power shall be between the hours of 5 p.m. and 8 p.m., and the testing place shall be maintained, together with all necessary apparatus, at the cost of the corporation.

(E.) All gas supplied by the Company shall 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 junction of the service pipe from the main with the meter of the consumer; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties, shall, *mutatis mutandis*, apply to such testing of pressure.

Prohibiting works except on lands in schedule.

Notice to be given of taking houses of labouring classes.

**14.** The Company shall not manufacture gas, or convert or manufacture any residual products, except upon the lands described in the schedule to this Act.

**15.** The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

**16.** Before displacing any person or persons belonging to the labouring classes who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice.

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Company to procure accommodation for persons of the labouring class to be displaced.

**17.** 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.

Expenses of Act.

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The SCHEDULE referred to in the foregoing Act.

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PART I.

- (a.) A certain piece of land situate in the parish of Twerton, in the county of Somerset, adjoining the existing railway and works of the Company, and bounded on or towards the north by the River Avon, on or towards the east by land or works belonging or reputed to belong to the Company, on or towards the south by the line and works of the Midland Railway Company, and on or towards the west by the private road leading from the lower Bristol turnpike road by Motley's Bridge over the River Avon to the upper Bristol turnpike road, and which piece of land belongs or is reputed to belong to the Midland Railway Company, and is in the occupation of Elijah Ashman.
- (b.) A certain piece of land situate in the same parish of Twerton, adjoining the existing railway and works of the Company, bounded on or towards the north by the River Avon, on or towards the east by land in the occupation of Isaac Shellard, on or towards the south by the line, sidings, and works of the Midland Railway Company, and on the west by the railway and works of the Company, and which piece of land is in the occupation of the Company as under-tenants.
- (c.) A certain small strip of land in the same parish of Twerton, lying between the land occupied by the existing railway and works of the Company and the line and works of the Midland Railway Company, and bounded on the west by the piece of land (a.) above described.
- (d.) All those several pieces or parcels of land, with the messuages, dwelling-houses, stables, outbuildings, yards, gardens, stone yard, scavengers yards, ropewalk, and premises thereon, situate in the parish of Weston, in the county of Somerset, bounded on or towards the north by the upper turnpike road leading from Bath to Bristol, on or towards the east by land, messuages, and premises in the occupation of Betsy Cleall and her under-tenants, on or towards the south by the towing-path of the River Avon, and on or towards the west by the premises and works of the Company.

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## PART II.

## THE COMPANY'S EXISTING GAS LANDS.

Certain lands and houses in the parish of Weston and county of Somerset, adjoining the upper road leading from Bath to Bristol, and bounded by that road on the north, by the River Avon on the south, by Gaslight Lane on the west, and by premises now or formerly belonging partly to Thomas Southwick and partly to Mrs. Ayliffe on the east.

Also certain other lands and houses lying between and bounded on the east and west sides by the lands and houses firstly herein-before described, on the north by the said road, and on the south partly by the River Avon and partly by the lands and houses firstly herein-before described.

Certain lands and premises in the parish of Weston, in the county of Somerset, bounded on the east by a lane called Gas Lane, on the west by a road leading from the upper turnpike road from Bath to Bristol to the bridge called Motley's Bridge, on the south by the River Avon, and on the north by the upper turnpike road from Bath to Bristol.

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