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An Act to enable The *Halifax* Gaslight and Coke Company to transfer their Undertaking and Powers to the *Halifax* Local Board of Health; and for other Purposes. [16th *July* 1855.]

**W**HEREAS by an Act passed in the Third Year of King George the Fourth, intituled *An Act for lighting with Gas the Town and Township of Halifax and the Neighbourhood thereof within the Parish of Halifax in the West Riding of the County of York*, “The *Halifax Gaslight and Coke Company*” were incorporated, and were authorized, for the Purposes of supplying with Gas the Town and Township of *Halifax* and the Neighbourhood thereof, to raise a Share Capital of Twelve thousand Pounds in Shares of Twenty-five Pounds each, and to borrow on Mortgage or raise by further Shares of like Amount the Sum of Three thousand Pounds, both which Sums were raised by such Shares, and were expended by the Company: And whereas the said Company under the said Act have provided Gasworks, and therewith supply Gas within the Limits of that Act: And whereas the Mayor; Aldermen, and Burgesses of the Borough of *Halifax*, herein-after called “the Corporation,” by the Council of the Borough, are the Local Board of Health, herein-after called “the Local Board,” of the District of the Borough: And  
[Local.]                      25 X                      whereas,



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whereas, under the Provisions now in force of the Local and Personal Act of the Fourth Year of the Reign of *George* the Fourth, Chapter 90, the Local Board are empowered to light with Gas the Streets within the District, and for such Purposes to lay down Mains under such Streets, and to purchase Lands, and to construct Gasworks, and to effect all other Matters or Things necessary thereto or for the Purposes thereof: And whereas the Powers now vested in the Local Board for lighting the said Borough could be carried into execution with great Benefit to the Inhabitants thereof if the Gasworks of the Company were vested in the Local Board; and the Company and the Local Board have mutually entered into a preliminary Agreement, under their Corporate Seals, with Sureties, for the Sale and Purchase of the whole of the Gasworks, Mains, Pipes, Machinery, Implements, and Powers of the Company, herein-after called "the Undertaking;" and it is expedient that the Company should be enabled to sell and the Local Board to purchase the Undertaking upon the Terms of the said Agreement: And whereas the Objects and Purposes 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, in manner following; (that is to say,)

Short Title. I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Halifax Gas Act, 1855.*"

10 & 11 Vict.  
c. 15. in-  
corporated. II. "The Gasworks Clauses Act, 1847," except the Provisions thereof limiting the Amount of Profits divisible among Shareholders, is incorporated with this Act.

Construction  
of certain  
Terms in  
10 & 11 Vict.  
c. 15. III. In construing "The Gasworks Clauses Act," as incorporated with this Act, the Expression "the Special Act" shall mean this Act; and the Expressions "the Works" or "the Undertaking" shall mean the Gasworks and Works connected therewith by this Act vested in the Local Board, or which they may be authorized to execute; the Expression "the Undertakers" shall mean the Local Board; and the Expression "the Gasworks" shall include the Gasworks and Works connected therewith by this Act vested in the Local Board, as well as any Gasworks which they may construct under the Powers of this Act; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

"Company." IV. In this Act the Word "Company" shall mean "*The Halifax Gaslight and Coke Company.*"

V. The



*The Halifax Gas Act, 1855.*

V. The Company may and shall sell and convey to the Local Board, who may and accordingly shall purchase and take, the Undertaking of the Company, for such Consideration, to be paid at such Time and in such Manner and generally upon such Terms as have been agreed upon between the Company and the Corporation; and the Receipt of any Three of the Committee of Management of the Company for the Purchase Money for the Undertaking shall be a sufficient Discharge for the same, and neither the Local Board nor the Corporation shall be bound to see to the Application of such Purchase Money, or be answerable for its Misapplication or Nonapplication.

Sale of Gas-works to Local Board.

VI. Immediately upon the Execution by the Company of a Deed of Conveyance under their Common Seal of the Undertaking to the Local Board, in which Deed the Consideration Money shall be fully and truly stated, and which Deed shall be duly stamped for denoting the full and proper Stamp Duty in respect of such Consideration, the Undertaking shall by virtue of such Deed and of this Act become actually vested in the Local Board for all the Estate and Interest of the Company therein at the Date of such Conveyance; and thereafter the Local Board shall, for the Purpose of making and maintaining Gas-works, and manufacturing and supplying Gas, and disposing of Coke and other Products, and all Matters incident thereto, have the like Powers within the District supplied by the Company as the Company would have had.

Upon Execution of Conveyance, the Gas Undertaking to vest in the Local Board.

VII. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced or liable to be commenced either by or against the Company shall abate or be discontinued or be prejudicially affected by this Act or by such Transfer as aforesaid, but the same shall continue and take effect, either in favour of or against the Company, in the same Manner in all respects as the same would have continued and taken effect in relation to the Company if this Act had not been passed; and all Penalties incurred by reason of any Offence against the Provisions of the first-recited Act prior to the passing of this Act may be sued for, and all Offences committed before the passing of this Act against the Provisions of the said Act may be prosecuted, in such or the like Manner to all Intents and Purposes as such Penalties might have been sued for or such Offences prosecuted if this Act had not been passed.

Actions, &c. not to abate, and Penalties to be recoverable.

VIII. Immediately on the Undertaking of the Company becoming vested in the Local Board, all the Powers of the Company to supply Gas within the District shall cease.

Upon Works vesting in the Local Board, Powers of Gas Company to cease.

IX. When the Undertaking is vested in the Local Board, they may manufacture Gas, and light with Gas the Streets and Public Buildings within

Local Board, after Purchase of Gas-



*The Halifax Gas Act, 1855.*

works, to  
supply the  
District with  
Gas.

within the District, and supply with Gas the Inhabitants of the District, upon such Terms as shall be agreed upon between the Local Board and the Persons supplied with Gas, and may sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas, in such Manner as the Local Board may think proper.

Local Board  
may open  
Streets, &c.,  
without  
Notice.

X. It shall not be necessary for the Local Board, before they may proceed to open or break up any Street, Bridge, Sewer, Drain, or Tunnel under the Control of the Local Board, to give any Notice of their Intention so to do.

Limiting  
Charge for  
Supply of  
Gas by  
Meter.

XI. The maximum Price at which Gas shall be sold by the Local Board to all Persons who shall burn the same by Meter within the Borough shall not exceed Four Shillings *per* One thousand Cubic Feet.

Quality of  
Gas.

XII. All the Gas to be supplied by the Local Board shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-Inch Chimney, and consuming Five Cubic Feet of Gas an Hour, a Light equal in Intensity to the Light produced by Twelve Wax Candles of Six in the Pound burning One hundred and twenty Grains an Hour.

Experi-  
mental Meter.

XIII. The Local Board shall, within Six Months after the Undertaking shall have become vested in them, erect and thenceforward maintain in some convenient Part of their Works an experimental Meter, furnished with an Argand Fifteen-Hole Burner and a Seven-Inch Chimney, capable of consuming Five Cubic Feet of Gas an Hour, with other necessary Apparatus for estimating the illuminating Power of the Gas.

Consump-  
tion of Gas  
by Meter.

XIV. Every private Consumer of Gas of the Local Board shall, upon Request in Writing by the Local Board, consume Gas by Meter, to be provided at his Expense; but any Meter provided by a Consumer shall be approved by the Local Board before it is put up or used.

Penalty for  
injuring  
Meters.

XV. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Local Board, or shall alter the Index to any Meter, shall forfeit to the Local Board not exceeding the Sum of Five Pounds, and the Local Board may, in addition thereto, recover the Amount of any Damages by them sustained.

Recovery of  
Gas Rents  
before Jus-  
tices.

XVI. The Powers contained in the Clauses of "The Railways Clauses Consolidation Act, 1845," incorporated with "The Gasworks Clauses Act, 1847," for enforcing the Payment of the Amount claimed  
by



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by the Local Board for any Rent or Sums due to them for Gas, or for any Meter or Fitting supplied by them, together with the Expense of cutting off the Service Pipe or Gas, and the Costs of recovering such Sums or Rent, may be exercised by any Justice, whether the Amount claimed by the Local Board be disputed or not by the Party liable to pay the same.

XVII. In addition to the Powers given by "The Gasworks Clauses Act, 1847," in this Behalf, the Local Board may recover any Rent or Sums due to them for Gas supplied, or for any Meter or Fitting supplied or let by them, together with the Expense of cutting off the Service Pipe or Gas, and the Costs of recovering such Sums or Rent, although the Amount of such Sums or Rent and Costs be less than Twenty Pounds, in any County Court or other Court having Jurisdiction for the Recovery of Debts under Twenty Pounds.

As to Recovery of Gas Rent under 20l.

XVIII. The Committee of Management for the Time being of the Company shall stand possessed of the Money which shall be paid by the Local Board for the Purchase of the Undertaking, and of all other Monies for the Time being belonging to the Company, upon trust to pay thereout all the Debts and pecuniary Liabilities of the Company which shall then have been incurred and remain unpaid, and to divide and distribute the Residue between the several Persons who shall be Holders of the Shares in the Company, their respective Executors, Administrators, or Assigns, rateably and in proportion to the Number of their respective Shares in the Capital of the Company.

Application of Purchase Money for Gas Undertaking.

XIX. The several Persons whose Names shall appear in the Books of the Company to be the Proprietors of Shares therein shall, unless the contrary be proved to the Satisfaction of the Committee of Management of the Company, be considered to be Shareholders of the Company for the Purposes of the Distribution of the Purchase Money for the Undertaking, and of the other Monies for the Time being belonging to the Company.

Persons whose Names appear in the Books as Shareholders to be deemed such until the contrary be proved.

XX. The Receipt of any Executor, Administrator, Committee, or Guardian of any Shareholder in the Company shall be an effectual Discharge to the Company and to the Committee of Management thereof for so much of the Purchase Money or other Monies as in such Receipt shall be expressed to be received, and shall exonerate them from any Trust or Obligation affecting the Shares in respect of which such Money shall be paid.

Receipt of Executors, &c. of Shareholders to discharge Company.

XXI. If the Company be unable, by reason of the Absence from *Great Britain* or Incapacity of any Shareholder, his Executors, Administrators, or Assigns, or of his Existence or Place of Abode not being,

Provision in case of Absence of Shareholders.

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after diligent Inquiry, ascertainable by the Company, the Company from Time to Time shall, according to the Provisions of any Act of Parliament for the Time being in force authorizing the Payment into the Court of Chancery of Trust Monies under like Circumstances, pay into that Court all Monies which, according to this Act, ought to be paid by the Company to him or them, and such Payment shall be deemed as Payment by the Company to him or them, and he or they shall be entitled to obtain, according to the Provisions of any such Act, Payment of such Money out of that Court to him or them.

Expenses of  
Act.

XXII. All the Costs, Charges, and Expenses of the Company and of the Local Board of and attending the applying for, obtaining, and passing of this Act, and incidental thereto, shall be paid by the Company and the Local Board, as provided by the Agreement entered into for the Purchase of the Undertaking of the Company, and all other Expenses incurred by the Local Board in reference to the obtaining Powers to supply Gas within the Borough shall be paid by the Local Board.

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