



CHAP. cii.

An Act for supplying with Gas the towns of Aberdare and Aberaman and the parish of Aberdare, all in the county of Glamorgan. A.D. 1869.
[12th July 1869.]

WHEREAS the towns of Aberdare and Aberaman in the parish of Aberdare in the county of Glamorgan are at present only partly lighted with gas, by gasworks belonging to an association or joint stock company called the Aberdare Gas Company, and such supply of gas is not afforded under any parliamentary powers or restrictions :

And whereas houses and buildings in the towns of Aberdare and Aberaman, and the neighbourhood thereof respectively, have of late years greatly increased and are increasing, and the supply of gas thereto is at present inadequate to the public requirements, some parts of the said towns being insufficiently lighted, and other parts of the said towns and the neighbourhood thereof not being lighted at all, and the supply of gas in such places is in other respects defective and unsatisfactory to the inhabitants thereof, and it is expedient and it would be of public and local advantage that more adequate provision be made for the supplying of gas within the limits of this Act, and that such supply be placed under the authority of and the restrictions usually imposed by Parliament :

And whereas the Company have purchased or contracted to purchase the lands described in the first schedule to this Act for the purpose of erecting thereon gasworks and all necessary apparatus and conveniences connected therewith for the supply of gas within the limits of this Act :

And whereas the several persons herein-after named, with others, are willing, at their own expense, to construct the necessary works for efficiently lighting the several places aforesaid with gas, and are desirous of being incorporated into a company for that and the other purposes of this Act; and it is expedient that they should be incorporated accordingly, and that the Company so incorporated should have powers conferred upon them to erect gasworks and to

A.D. 1869. supply gas within the limits of this Act, and that the powers hereinafter contained should be conferred on such Company:

And whereas it is expedient that the Company and the Aberdare Gas Company be empowered to enter into arrangements with respect to the purchase of the gasworks and property of the Aberdare Gas Company as by this Act provided:

And whereas the purposes aforesaid cannot be accomplished without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title. 1. This Act may for all purposes be cited as "The Aberdare and Aberaman Gas Act, 1869."

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

2. "The Companies Clauses Consolidation Act, 1845," Part III. of "The Companies Clauses Act, 1863," relating to "debenture stock," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act.

3. In this Act the several words and expressions to which by the Acts incorporated with this Act meanings are assigned shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; (that is to say,) the expression "the Company" shall mean the Company incorporated by this Act; the expression "the works" or "the gasworks" or "the undertaking" shall mean the gasworks of every description, and the mains, pipes, and works connected therewith respectively, which the Company may construct or acquire under the powers of this Act; the expression "the promoters of the undertaking" shall mean the Company; the expression "the local authority" shall mean the local board of health, highway board, commissioners, trustees, surveyors, or other bodies or persons intrusted with the control or lighting of the streets within their jurisdiction and within the limits of this Act; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or the Acts incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Limits.
Limits of Act.

4. The limits of this Act shall comprise and include so much of the parish of Aberdare in the county of Glamorgan as lies within a

radius of two miles and a half from the church of Saint Elvan in the said parish, as shown upon the Ordnance map.

A.D. 1869.

5. George Glover, Edmund Evance Hooper, and the several other persons and corporations who have subscribed or who shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united and incorporated into a company for the purpose of making and supplying gas within the limits of this Act, and for doing all acts necessary for that purpose and for other the purposes by this Act and the said incorporated Acts authorized, by and under the name of "the Aberdare and Aberaman Consumers Gas Company;" and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Incorporation.

Incorporation of Company.

6. The capital of the Company shall be thirty thousand pounds, in three thousand shares of ten pounds each.

Share capital.

Share capital.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at the least shall be the interval between successive calls.

Calls.

8. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present, in person or by proxy, at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that it shall not be lawful for the Company to divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up; and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Power to divide shares.

9. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following, that is to say, first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would from time to

Dividends on half shares.

A.D. 1869. — time have been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

10. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered, and certificates given.

11. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any such certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

12. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

13. The provisions of "The Companies Clauses Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

14. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

15. The several half shares under this Act shall be half shares in the capital of the Company, and every two preferred or deferred half shares held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights,

qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share. A.D. 1869.

16. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of his or her respective guardian or committee shall be a sufficient discharge to the Company for the same. Receipts of guardians, &c. to be sufficient discharge.

17. The Company may, when ten thousand pounds of the capital of the Company has been bonâ fide subscribed for, issued, and accepted, and one half thereof has been paid up, from time to time borrow on mortgage any sum or sums of money, not exceeding in the whole two thousand five hundred pounds, as may from time to time be authorized to be borrowed by order of a general meeting of the Company, and when each further sum of two thousand pounds beyond the said amount of ten thousand pounds of the capital of the Company has been bonâ fide issued and accepted, and one half of the amount thereof respectively has been paid up, the Company may borrow on mortgage such further sum or sums of money, not exceeding in the whole the sum of five hundred pounds in respect of each such amount of two thousand pounds, as may from time to time be authorized to be borrowed as aforesaid; but in none of the before-mentioned cases shall any part of the said sum of two thousand five hundred pounds, or of the said several sums of five hundred pounds respectively, be borrowed until the Company 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 all the shares in respect of which the power to borrow two thousand five hundred pounds, and such sum of five hundred pounds respectively hereby granted, is then sought to be exercised have been subscribed for, 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 and acceptance thereof, and that such shares were issued bonâ fide, and are 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, he shall grant a certificate that the proofs aforesaid have been given, which certificate shall be sufficient evidence thereof. Borrowing powers.
Power to borrow on mortgage.

18. The mortgagees of the Company may enforce payment of the 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 Arrears may be enforced by appointment of a receiver.

A.D. 1869. whom the application for a receiver shall be made shall not be less than five hundred pounds in the whole.

Debenture stock.

19. The Company may create and issue debenture stock bearing interest at a rate not exceeding five per cent. per annum.

Application of monies.

20. All monies raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied only to the purposes of this Act.

Meetings and management.

First ordinary meeting.

21. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of February and August in every year.

Quorum of general meetings.

22. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be fifteen shareholders present, in person or by proxy, holding in the aggregate not less than five hundred pounds in the capital of the Company.

Votes of shareholders.

23. Every shareholder shall have one vote for every share held by him.

Number of directors.

24. The number of directors shall be ten, but it shall be lawful for the Company from time to time to reduce the number, provided that the number shall not be less than five.

Qualification of directors.

25. The qualification of a director shall be the possession in his own right of not less than ten shares.

Quorum.

26. The quorum of a meeting of directors shall be five, unless the number of directors be reduced to seven or less, in which case the quorum shall be three.

First directors.

27. Edward Henry John Craufurd, M.P., David Davies, William Dyke, George Glover, Edmund Evance Hooper, Daniel Mark Jenkins, John Johns, Henry Lewis, Thomas Price, and Watkin Jones Thomas shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present, in person or by proxy, may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors to supply the places of those not continued in office, or directors to make up the number to ten, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present, in person or by proxy, shall, subject to the power herein-before contained for reducing the number of directors, elect persons to supply the places of the directors then

retiring from office agreeably to the provisions in this and in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, neither being removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1869.

28. The Company may, for the purposes of their undertaking, purchase, take, and hold (by agreement, but not otherwise) any lands and hereditaments which they may require, provided that they do not hold more at any one time than ten acres: Provided also, that no lands shall be used by them for the purpose of manufacturing gas, excepting the lands described in the schedules to this Act, nor, except upon such last-mentioned lands respectively, shall the Company store gas on any lands situate within three hundred yards of any dwelling house erected at the time of the acquisition by the Company of the lands for such storage works without the consent of the owner and occupier of such house.

Lands.
Power to purchase lands.

29. If the Aberdare Gas Company shall, within three months after the passing of this Act, give notice in writing, under their common seal, to the Company of their desire to sell to the Company their interest in their existing gasworks, land, plant, mains, pipes, and other property forming part thereof under their existing lease, together with the goodwill and business attached thereto, the Company shall purchase the same, and the Aberdare Gas Company are required to sell the same to the Company at or for such sum, and upon such terms and conditions as shall be agreed upon between the parties, or in case no agreement as to the amount of such purchase money, and as to such terms and conditions, can be come to within one month after the delivery of such notice, then at or for such sum of money, and upon such terms and conditions, as shall be ascertained and determined by arbitration in the manner provided by "The Lands Clauses Consolidation Act, 1845," for settling by arbitration questions of disputed compensation; but, in the event of the arbitrators not agreeing, an umpire shall be appointed by the Board of Trade upon the application of either party: Provided that the arbitrator shall not take into account any additions to or improvements in the works, other than such as he may determine to have been reasonably necessary, made since the eighteenth day of June one thousand eight hundred and sixty-nine: Provided also, that the Aberdare Gas Company and the Company shall proceed with all due diligence in the said arbitration, and after award made therein in completing the said purchase, and the Company shall be entitled to the net rents and profits of the said Aberdare Gas Company's undertaking on and from payment of the purchase money.

Company to purchase gasworks, &c. of Aberdare Gas Company.

A.D. 1869.

Company to
sell works
and under-
taking to
local board
on request.

30. If at any time after the expiration of five years from the passing of this Act the Aberdare Local Board of Health shall desire to purchase the works, lands, gas mains, and undertaking, and the property connected therewith, of the Company, and of such desire shall give to the Company six calendar months notice in writing, under their common seal, signed by their clerk for the time being, the Company shall sell to them their lands, gasworks, mains, and undertaking, and property connected therewith, and all their right and interest therein, for such sum, and upon such terms and conditions, as may be agreed upon between the local board and the Company, and, failing such agreement, as may be determined by arbitration in the manner provided by the Lands Clauses Consolidation Act, 1845, for settling by arbitration questions of disputed compensation for land; and for the purposes of such Act and this Act, the lands, gasworks, mains, and undertaking of the Company, and property connected therewith, shall be deemed to be included in the term "land" in the said Act; and in such agreement, or by such arbitration, all necessary provisions shall be made for conveying and transferring to and vesting in the local board the estate and interest of the Company in the said lands, gasworks, mains, undertaking, and property connected therewith; and the said "Lands Clauses Consolidation Act, 1845," shall apply generally to the said sale.

*Gasworks,
&c.*

Power to
erect gas-
works, &c.

31. Subject to the provisions of this Act, the Company may, in and upon the land specified in the first schedule to this Act, and they may also, upon taking possession of the gasworks, lands, and other property specified in the second schedule to this Act, in and upon such lands erect, construct, and from time to time lay down, maintain, alter, remove, enlarge, or discontinue gasworks, retorts, gasholders, receivers, drains, sewers, pipes, mains, machinery, and other works, apparatus, and conveniences for the manufacture and storage of gas, and of coke and other residual products obtained in the manufacture of gas; and the Company may do all such acts as they think proper for manufacturing and storing gas in and at the gasworks to be erected from time to time or acquired by the Company as aforesaid, and for supplying gas within the limits of this Act, and may manufacture, store, and supply gas accordingly; and may manufacture, sell, provide, supply, and deal in coke, coal, lime, tar, pitch, asphaltum, ammoniacal liquor, and all other products and residuum of any materials employed in or resulting or obtainable from the manufacture of gas, and may also manufacture, purchase, and sell, let, or deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks or with the supply of gas to the consumers thereof in such manner as

the Company may from time to time think proper, and may provide and do all such things as they may deem expedient for the purposes of the general and incidental business of a gas company: Provided that nothing in this Act contained shall authorize the Company to erect any works for the manufacture of gas except upon the lands specified in the first and second schedules to this Act; nor shall anything in this Act contained 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.

A.D. 1869.

32. The Company may contract for, take, and use, but not so as to obtain an exclusive right thereto, any leave, licence, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture, distribution, supply, or measurement of gas, or to the utilization of the residual products arising from the manufacture of gas, or otherwise in relation thereto.

Power to contract for and use patent rights, &c.

33. The Company may, with the consent of the owner and occupier of any building, lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against any building for the purpose of lighting the same, and with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, or discontinue and remove any such branch or apparatus.

Power to lay pipes against buildings.

34. Every consumer of gas supplied by the Company shall, on being required by the Company to do so, consume such gas by meter; and the public lights supplied by the Company shall also, at the option of the Company or of the local authority, consume by meter; and unless such meters shall be subject to the provisions of the Act for regulating measures used in sales of gas, and shall be examined and stamped under the provisions of that Act, no meter shall be used by such consumer or in connexion with the public lights until it shall have been approved by the Company; and it shall be lawful for the Company from time to time to examine and test any meter; and every consumer may in like manner require the Company to allow him to consume the gas by meter.

Meters.

Consumer may be required to consume by meter, and may require Company to allow him to consume by meter.

35. If the gas be supplied to the public lamps by meter, the average amount of the indicators of all the meters attached to the public lamps under the control of the local authority shall, except

As to meters for public lamps.

A.D. 1869. as herein-after mentioned, be deemed to be the amount consumed by each lamp.

As to testing accuracy of meters.

36. If either the Company or the local authority shall dispute the accuracy of the registration of any meter, then such meter shall be tested in the manner provided by this Act.

Power to Company to let meters.

37. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and the fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Company of such meter, as may be agreed upon between the hirer and the Company; and such remuneration shall be recoverable in the same manner as the rents or sums due to the Company for gas; and such meters and fittings shall not be subject to distress for rent of the premises where the same are used, or to be taken in execution under any process of law or equity, or any proceedings in bankruptcy, against the persons having possession thereof.

Register of gas meter to be primâ facie evidence.

38. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Company, and in respect of which any rent is charged and sought to be recovered by the Company.

Power to remove meters and fittings.

39. The Company, after forty-eight hours notice in writing under the hand of the secretary or a manager of the Company to the occupier, or if unoccupied then to the owner or lessee of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the Company are laid or fixed, and through or in which the supply of gas shall, from the neglect or default of the owner or occupier, be discontinued, may enter such land, house, or building, between the hours of nine in the morning and four in the afternoon, for the purpose of removing and to remove such pipes, meters, or fittings, repairing all damage caused by such 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 sent by post addressed to such person: Provided that if the owner or lessee of any such unoccupied house or building be unknown to the Company after due inquiry, the notice may be given by affixing it for three days to some conspicuous part of the house or building.

Fraudulently injuring meters.

40. If any person shall wilfully, fraudulently, or by culpable negligence injure, or suffer to be injured, any such pipes, mains, meters, or fittings, or other thing connected therewith, belonging to the Company, or shall alter the index to any meter, or fraudulently

alter any part of such meter, or any pipes connected therewith, or in any way fraudulently; wilfully, or knowingly prevent such meter from duly registering the quantity of gas supplied, or by any means fraudulently abstract, consume, or use the gas of the Company, every person so offending shall for every such offence forfeit to the Company any sum not exceeding five pounds; and the Company may, in addition thereto, recover the amount of any damage sustained by them which shall not be satisfied by the amount of the penalty recovered, and may also discontinue, until the act complained of is remedied, the supply of gas to the person or company so offending, and that notwithstanding any contract previously existing; and the existence of artificial or irregular means for causing such alteration or abstraction, when such meter shall be under the custody or control of the consumer, shall be *prima facie* evidence that the same has been knowingly, wilfully, and fraudulently caused by the consumer using such meter: Provided always, that this enactment shall not prejudice any right of the Company to institute any criminal proceedings in reference to such offence in any case when they shall not proceed summarily under this Act.

41. The Company shall, at the request in writing of the owner or occupier of any house, building, factory, or premises, or any public body or private company having premises within the limits of this Act, and within twenty yards of which premises any main gas pipe of the Company shall be then laid, furnish to such owner or occupier, public body, or private company, a sufficient supply of gas for such house, building, factory, or premises, together with a meter and so much of the service pipe as shall be necessary to communicate between the main pipe of the Company and such meter: Provided that the expense of so much of the service pipe as shall be laid upon private property, or in any other case as shall be laid beyond sixty feet in length, shall be defrayed by such owner or occupier, public body, or private company; and if the Company shall, by their wilful default, fail to supply the gas within a reasonable time after such request, then, on proof of such failure, the Company shall be subject to a penalty not exceeding five pounds.

*Gas supply,
&c.*

Company to supply gas in certain events at request of owner or occupier.

42. Any person requesting to have a supply of gas from the Company shall, if and when so required in writing by them, before he is entitled to have such service pipes and meter provided and fixed, or to have a supply of gas, give to them such security for the payment of the rate for the gas to be supplied to him as he and the Company agree on, or as, in default of agreement, shall be determined as by this Act provided, and the Company shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person

Security for payment of rate.

A.D. 1869. shall have failed to give to them such security for seven days after the same shall have been demanded by the Company.

Justice may determine the nature of security.

43. Where any person and the Company do not agree on the security to be given, the same shall be determined by a justice, and any single justice shall, on the application of the person and the Company, or either of them, determine the nature and amount of the security to be given, and the security may, as the justice thinks fit, be the deposit with the Company of a sum of money, or any other security which the justice thinks sufficient and reasonable, and the determination of the justice shall be binding on all parties.

Company to lay mains on request of local board.

44. If the Company do not within three years after obtaining possession of the old gas company's works, or in case of their not doing so and erecting new works, then within four years after the passing of this Act, lay mains or pipes along the public roads throughout the limits of this Act, it shall be competent to the Aberdare local board from time to time to require the Company, by notice in writing under their common seal, or signed by their clerk for the time being, to lay down mains and supply gas to Abernant, Cwmbach, Lewydcod, Cwmdare, Capcock, and Cwmaman, or any of them; and if the Company fail to comply with such notice for a period of six calendar months after the receipt thereof, they shall forfeit such sum, not exceeding twenty pounds per month, as any two justices may determine: Provided that it shall not be compulsory on the Company to lay down such mains and supply gas to all or any of such places unless at least twenty occupiers of houses in each of such places as the Company may be called on to lay mains and supply gas to shall first agree with the Company to take a supply of gas, and that the local authority shall also first agree with the company for the proper public lighting of such place or places respectively, and of the public streets leading thereto, along which the Company may be requested to lay mains.

Limiting price of gas.

45. It shall not be lawful for the Company to charge any higher price for gas supplied by meter than at the rate of four shillings for every thousand cubic feet.

For the supply of gas to public lamps.

46. The Company shall and they are hereby required from time to time, and at such times as they may be called on so to do by the local authority within the limits of this Act, to supply gas to all public lamps or burners within a distance of fifty yards from any of the mains of the Company, and that may be required for lighting any street or place within the limits of this Act, for such price, upon such terms, and during such hours as shall be settled by agreement between the Company and the local authority: Provided always, that the price per thousand cubic feet shall not exceed the lowest

price for the time being charged by the Company to any private consumer; and provided also, that in case any dispute shall arise between the Company and such local authority on any of such matters, the same shall be settled by arbitration under the provisions contained in the "Companies Clauses Consolidation Act, 1845," with respect to settlement of disputes by arbitration: Provided that the gas supplied to the public lamps or burners within the district of the local authority shall and may be consumed either by meter or otherwise at the option from time to time of the local authority.

A.D. 1869.

47. The local authority shall provide and keep in repair their own public lamp-posts and lamps, and apparatus connected therewith, and, in case of their electing to burn by meter, light and extinguish the lamps and defray the expenses thereof.

Local authority to provide lamp-posts, &c.

48. It shall be lawful for the Company or their directors from time to time to enter into or make any contract or agreement with any local authority or persons having the control, direction, or management of any highway, street, or bridge, or the lighting thereof, within the limits of this Act, for lighting and supplying the same or any of them, or any part thereof, with gas, for providing the same with meters for ascertaining by average meter indication the uniformity of consumption between metered and unmetered lamps, and with lamp pillars and posts, lamp brackets, lamps, service pipes, burners, stopcocks, and glasses, and for the repair and maintenance thereof respectively, and for lighting, cleaning, and extinguishing all public lamps to which the Company shall supply gas; and the Company may also from time to time make and enter into any contract or agreement with any body corporate or person for lighting or supplying with gas any church, chapel, college, shop, inn, tavern, dwelling-house, manufactory, railway, railway station, pier, harbour, market, warehouse, or other public or private building or place in such manner, under such conditions, and upon such terms as shall be mutually agreed upon between the Company and the respective body or bodies corporate, board, local authority, or other person or persons respectively.

Power to the company to contract for lighting streets, &c.

49. All the gas supplied by the Company shall be of such quality as to produce from an Argand burner consuming five cubic feet of gas per hour a light equal in intensity to the light produced by fourteen sperm candles of six in the pound, burning one hundred and twenty grains per hour, and shall be so far free from sulphuretted hydrogen and ammonia as not to discolour turmeric paper, or moistened test paper imbued with acetate or carbonate of lead,

Quality of Company's gas.

A.D. 1869. when the tests are exposed for one minute to a current of gas issuing under a pressure of five tenths of an inch of water.

Company to erect a meter to test quality and purity of gas.

50. The Company shall, within six months from commencing to supply the public with gas, cause to be erected in some part of their works fit for testing the gas provided by the Company an experimental meter, furnished with an Argand burner capable of consuming five cubic feet of gas per hour, with other necessary apparatus, so situated or arranged as to test the illuminating power of all the gas supplied to the consumers.

As to testing the quality of gas.

51. It shall be lawful for the local authority, on the requisition in writing of any consumers of the gas of the Company, not being less than five in number, by order in writing, under the hand of their clerk for the time being, to appoint some competent person to proceed to the works of the Company, and the person so appointed may at any reasonable hour, on producing the said order, enter on the premises of the Company, and in the presence of the superintendent, manager, or other officer of the Company make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus before mentioned, and the Company and their officers shall afford all reasonable facilities and assistance for the making of such experiment; and if it shall be proved to the satisfaction of any two justices, not being members of the local authority or directors or shareholders of the Company, after hearing the parties, that the illuminating power of the gas supplied by the Company did not when so tested as aforesaid equal the illuminating power by this Act prescribed, or that the Company or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any case the Company shall forfeit such sum not exceeding twenty pounds, as the justices shall determine under the circumstances of the case.

Costs of experiment to be paid according to events.

52. The costs of and attending such experiment, 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 penalty being imposed, such costs shall be awarded to be paid by such consumers to the Company, and shall be paid or levied accordingly.

Company to make map of mains.

53. The Company shall, within one year after the passing of this Act, cause a map to be made of the district in which their mains then lie, on a scale of not less than two feet to a mile, and shall cause to be marked thereon the lines of all their existing mains, and shall

once in every year correct such map, and make such additions thereto as will show the lines of all their mains. A.D. 1869.

54. Every map so made by or for the Company, or a copy thereof, with the date of the last time when it was 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 local authority and their officers respectively, who may take copies or extracts from the same between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of any working day, and the secretary of 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 map.

55. 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 a sum not exceeding forty shillings. Penalty on Company on default.

56. 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 sale, hire, or fixing of meters, burners, pipes, lamps, or fittings, it shall be lawful for the Company in addition to or instead of any other remedies to recover the sum due, together with the cost of cutting off the pipe or gas, in any court of competent jurisdiction. *Miscellaneous.*
Recovery of charges for gas.

57. In case any consumer leave the premises where gas was supplied to him without paying to the Company the gas rate or meter rent due from him, the Company shall not be entitled to require from the next tenant of the premises payment of the arrears left unpaid by the former tenant, unless the incoming tenant had agreed with the defaulting consumer to pay the arrears. Incoming tenant not liable for arrears of gas.

58. In case any person who shall have been supplied with gas by the Company, or who shall be liable to payment in respect of a supply of gas, or for the sale, hire, or fixing of meters, burners, pipes, lamps, or fittings under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect thereof for the space of fourteen days after demand thereof by the Company, their agent, or collector, it shall be lawful for any justice to issue his summons to such 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 such person, or in default of appearance, after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, it shall be lawful for any justice to issue his warrant of Debts, &c. may be levied by distress.

[Ch. cii.] *Aberdare and Aberaman Gas Act, 1869.* [32 & 33 VICT.]

A.D. 1869. distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the gas, if the same shall have been cut off by the Company, as to such justice shall seem just and reasonable.

Contents of warrant.

59. 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.

Warrant shall include costs.

60. 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 the 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.

Penalties not cumulative.

61. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for such purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Liability to gas rates not to disqualify justices.

62. No justice or judge of any county court or quarter sessions shall, except as is by this Act otherwise provided, be disqualified from acting in the executing of this Act by reason of his being liable under this Act to any gas rate, meter rent, or other charge under this Act, or of his being a shareholder of the Company.

Expenses of Act.

63. All costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

The **FIRST SCHEDULE** referred to in the foregoing Act. A.D. 1869.

(B.) A piece of land situate in the parish of Aberdare in the said county of Glamorgan, being a portion of a certain farm called Aberaman Ucha, in the said parish of Aberdare, belonging or reputed to belong to "The Powells Duffryn Steam Coal Company, Limited," and occupied by Elizabeth David, bounded on the east by the Taff Vale Railway, and measuring on that end thereof fifty yards or thereabouts, on the north by other land of the Aberaman Ucha Farm aforesaid, and measuring on that side thereof one hundred and forty-five yards or thereabouts; on the west by other land of the Aberaman Ucha Farm aforesaid, and measuring on that end thereof fifty yards or thereabouts, and on the south by the Amman Brook, in the said parish of Aberdare, and measuring on that side thereof one hundred and forty-five yards or thereabouts.

The **SECOND SCHEDULE** referred to in the foregoing Act.

Land occupied by gasworks and other apparatus, and buildings and land used in connexion therewith, situate in the parish of Aberdare in the county of Glamorgan, bounded on the north by land belonging or reputed to belong to Griffith Davies, on the east by the Taff Vale Railway, and on the west and south in part by land belonging or reputed to belong to David Davies, Lewis Davies, and Frederick Davies and Richard Williams; in other part by a house and land belonging or reputed to belong to Richard Thomas Roberts.

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