



CHAP. xxxix.

An Act for better supplying with Gas the parish of Waltham Holy Cross in the county of Essex and the parish of Cheshunt in the county of Hertford, and for other purposes.

A.D. 1869.

[24th June 1869.]

WHEREAS the parish of Waltham Holy Cross in the county of Essex and the parish of Cheshunt in the county of Hertford are now supplied with gas by John Brown of Skillett's Hill in the parish of Waltham Holy Cross aforesaid, from works situate upon the lands set forth in the schedule to this Act :

And whereas it would be to the public advantage that the said parishes should be supplied with gas by a company to whose undertaking the provisions of the "Gasworks Clauses Act, 1847," should be applicable ; and the persons in this Act named in that behalf are desirous of being, and it is expedient that they should be, incorporated into a company for the purposes of affording such supply, and for the other purposes of this Act :

And whereas it is expedient that the company incorporated by this Act should be authorized to purchase by agreement the said lands and works, and the fixed plant and apparatus and goodwill of or belonging to or occupied with the said works :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

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

1. This Act may be cited for all purposes as "The Waltham Abbey and Cheshunt Gas Act, 1869." Short title.

2. "The Companies Clauses Consolidation Act, 1845," parts one and three of "The Companies Clauses Act, 1863," "The Lands 8 & 9 Vict.
cc. 16. & 18.,

[*Local.*-39.]

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A.D. 1869. Clauses Consolidation Act, 1845," (except the clauses of that Act with respect to the purchase and taking of lands otherwise than by agreement,) "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.

10 & 11 Vict.
c. 15.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 118. incor-
porated.

Interpreta-
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act, and the Acts and parts of Acts incorporated herewith, the expression "the company" shall mean the company incorporated by this Act; the expression "the works," or "the gasworks," shall mean the gasworks and the works connected therewith by this Act authorized to be erected, maintained, and enlarged and improved, or any part thereof; the expression "fiat in bankruptcy" shall mean and include any adjudication of bankruptcy, and any proceedings in bankruptcy by which any person may be declared or adjudged a bankrupt; and the expression "superior court," or "court of competent jurisdiction," or any other like expression, 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 of
Act.

4. The limits of this Act shall comprise and include the parishes of Waltham Holy Cross in the county of Essex and Cheshunt in the county of Hertford.

Company
incorporated.

5. John Douglas, James William Pollard, and Joseph Robinson, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of constructing gasworks and manufacturing and supplying gas within the limits of this Act, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Waltham Abbey and Cheshunt Gas and Coke 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.

Company
may pur-
chase exist-
ing gas-
works.

6. The company may, by agreement, purchase and acquire and may hold and enjoy the lands set forth in the schedule to this Act, and the works thereon, and the fixed plant, apparatus, and goodwill

of or belonging to or occupied with the works for the supply of the parishes aforesaid with gas. A.D. 1869.

7. The company may, upon the piece of land specified in the schedule to this Act, or any part thereof, and subject to the provisions contained in this Act and the Acts incorporated herewith, maintain, alter, enlarge, renew, and improve such gasworks, apparatus, erections, and buildings, with approaches thereto respectively, as they may think proper, and may from time to time lay down, maintain, alter, and renew such mains, pipes, and other apparatus, and do all such other acts as they may consider necessary or proper for supplying the inhabitants, and all public and private buildings, and all public and private lamps, within the limits of this Act, with gas, and may also manufacture or purchase and contract for gas, and for the supply thereof, and may sell gas, coal, coke, tar, and demand and take rents and charges for the supply of gas, and may manufacture, sell, and dispose of the coke, tar, gas, lime, ammoniacal liquor, and other residuary products arising from the manufacture of gas, and may take and hold licences to use (but so as not to acquire exclusive rights thereto) patents or patent rights relating to the manufacture and distribution of gas, and may make or purchase, and sell or let for hire, gas meters, fittings, tubes, pipes, and 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 think proper: Provided always, that it shall not be lawful for the company to erect any works for the manufacture or store of gas elsewhere than in or upon the said piece of land specified in the said schedule, or some part or parts thereof.

Power to erect works, &c.

8. Nothing in this Act shall exonerate the company from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

Company liable for nuisance.

9. The company may purchase, by agreement, for any purposes of their undertaking, except the manufacture or storage of gas, any quantity of land not exceeding three acres, in addition to the lands which they are herein-before authorized to purchase.

Power to purchase additional lands.

10. The company may take, by agreement, for the purposes of their undertaking, any easements (not being easements of water), rights, or privileges in, over, or affecting any lands which by this Act they are authorized to purchase or acquire; and the persons empowered by "The Lands Clauses Consolidation Act, 1845," respectively, to sell and convey or release lands, shall have full power to grant to the company any such easement, right, or privilege, and, if they shall so think fit, in consideration of an annual rentcharge;

Company may take easements over lands.

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A.D. 1869. and all provisions of the last-mentioned Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to the purchase of lands by agreement, and to rentcharges, shall extend and apply to such easements, rights, and privileges, and to rentcharges granted for the same.

Capital. **11.** The capital of the company shall be twenty thousand pounds, subject to augmentation as herein-after mentioned, and shall be divided into two thousand shares of ten pounds each.

Power to raise additional capital. **12.** In addition to the said sum of twenty thousand pounds, and when the same shall have been fully paid up, it shall be lawful for the company from time to time to raise, by the creation of new ordinary or preference shares, or, at the option of the company, by both of those modes, such further sum or sums as they may think proper, not exceeding in the whole five thousand pounds.

New shares not to issue until one fourth paid up. **13.** 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 being less than one fourth of the amount of such share shall have been paid in respect thereof.

Limit of dividend on new capital. **14.** The company shall not in any year make out of their profits any larger dividend on the additional share capital of five thousand pounds to be raised under the powers of this Act, in addition to the said capital of twenty thousand pounds, than seven pounds in respect of every one hundred pounds actually paid up of such capital on ordinary shares, or six pounds in respect of every one hundred pounds actually paid up of such capital in preference shares.

Calls. **15.** One fourth of the amount of a share shall be the greatest amount of a call, and three 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.

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

Power to borrow on mortgage. **17.** The company may, when ten thousand pounds, part of the capital of the company, has been bonâ fide subscribed for, issued, and accepted, and one half thereof has been paid up, borrow on mortgage such sum or sums of money not exceeding in the whole two thousand pounds as may from time to time be authorized to be borrowed by order of a general meeting of the company; and when each additional amount of two thousand pounds beyond the said amount of ten

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thousand pounds of the capital of the company has been bonâ fide subscribed for, 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 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 sums of two thousand pounds or five hundred pounds respectively be borrowed until the company shall have proved to the justice who is to certify, under the provisions 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 pounds and five hundred pounds respectively hereby granted is then sought to be exercised have been issued and accepted, and that one half thereof has been paid up, and that no less than one fourth 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 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.

18. 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 and interest the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Arrears may be enforced by appointment of a receiver.

19. The company may create and issue debenture stock.

Debenture stock.

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

Application of monies.

21. The first ordinary meeting of the company shall be held within six months after the passing of this Act.

First ordinary meeting.

22. The number of directors shall be three.

Number of directors.

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

Qualification of directors.

24. The quorum of a meeting of directors shall be two.

Quorum.

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gas by the company for public purposes within the limits of this Act, for any period not exceeding under any one such contract or arrangement seven years, and may from time to time by mutual consent vary, suspend, or rescind any such contract or arrangement, or enter into or carry into effect other contracts or arrangements in lieu thereof or in addition thereto; and any local authority so agreeing may apply for the purposes of any such contract or arrangement, and in payment of any periodical or other remuneration or other consideration payable to the company under or by virtue thereof, any funds or monies which they have raised or may raise under the powers of any Act of Parliament.

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

33. The company shall, at the request in writing of any owner or occupier of any premises within twenty-five yards of which any main gas pipe of the company shall be then laid, furnish to him a sufficient supply of gas for such premises, together (if so required) 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 the property of such owner or occupier, or in any other case as shall be laid beyond thirty feet in length, and the cost of such meter, shall be defrayed by such owner or occupier; and provided further, that the company shall not be bound to furnish such supply of gas, or meter or service pipe, unless such owner or occupier shall enter into a written contract to continue to receive and pay (the payment to be also secured as by this Act provided) for a supply of gas for a period of at least two years, and to an amount not being less than twenty five pounds per centum per annum on the outlay incurred by the company in providing such service pipe; and if the company shall, after such contract being entered into as aforesaid, and fourteen days notice in writing requiring them so to do being served on the secretary, by their wilful default fail to supply the gas within a reasonable time after such notice, then, on proof of such default, the company shall be subject to a penalty not exceeding forty shillings.

Security for payment of rate.

34. Any person having or requesting to have a supply of gas from the company shall (if and when so required in writing by them, and before he is entitled to have such service pipes and meter provided and fixed, or to have a supply of gas,) give to the company such security for the payment to them 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 forty shillings if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to

give to them such security for seven days after the same shall have been demanded by the company, or there are any arrears due in respect of gas supplied, or any security herein-before provided for has run out, or ceased to remain in force.

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35. Where any such person and the company do not agree on the security to be given, the same shall be determined by two justices; and such justices shall, on the application of the person and the company, or either of them, determine the nature and amount of security to be given; and the security may, as the justices think fit, be the deposit with the company, or the prepayment to the company, of a sum of money, or any other security which the justices think sufficient and reasonable; and the determination of the justices shall be binding on all parties.

Justices may determine nature of security.

36. The company shall supply gas to the public lamps within the limits of this Act in such quantities as the local authorities may, in writing under the hand of their clerk, from time to time require to be supplied; and the price to be charged by the company, and to be paid to them, for all gas so supplied to or for any such public lamps, shall always be calculated and fixed at and according to the lowest price for the time being charged by the company to any other consumer or consumers within the limits in which such public lamps shall be situated, not including the royal gunpowder manufactory.

Price of gas supplied to public lamps.

37. Subject to the provisions of this Act, the company shall, at their own expense, upon the request in writing of the lighting authority, provide, lay down, fix, maintain, and keep in repair all mains, columns, &c. necessary for the proper lighting of such of the streets within the said limits as are mentioned in such request, and provided that the amount thereof payable for the gas supplied for the year for same shall be for three years at least, and shall not be less than twenty-five pounds per cent. of the necessary outlay by the company for such mains, columns, &c.

As to laying the mains and service pipes.

38. The company shall from time to time, at the request in writing of the lighting authority, supply all or any of the present public lamps within the said limits, or such other public lamps to be hereafter provided and fixed as aforesaid, with so much gas, and to be delivered at and from such times and periods, as the parties on whose request the supply of gas is made may from time to time desire.

Company to supply gas to lamps, on request of lighting authority.

39. The gas supplied to the public lamps within the limits of this Act shall be consumed either by meter or otherwise, at the

Mode of consuming gas supplied.

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to the public
lamps.

option of the local authority, and in case of its being consumed by meter the meter shall be provided and maintained by the company, at the expense of the local authority, but neither party shall, except as herein-after provided, be entitled to require that a meter be affixed to more than one in every twelve lamps then supplied with gas under this Act: Provided also, that the company shall be at liberty, if they think fit, to have a meter affixed to any additional number of lamps, they providing such meters, and paying to the local authority the additional expense of providing and adjusting the lamps, lamp posts, and other things necessary for their reception and use: Provided always, that if the gas shall, under the provisions of this Act, be supplied to the public lamps by average meter indication, the company shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide and maintain the public lamps with proper self-acting pressure regulators and burners, to the satisfaction and at the cost of the local authority, or, in case of difference, as from time to time shall be settled by any two justices.

As to meters
for public
lamps.

40. The average amount of the indications of all the meters attached to the public lamps shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

As to testing
accuracy of
meters.

41. If either the company or the local authority dispute the accuracy of the registration of any meter used for measuring the gas supplied to the public lamps, then such meter shall be tested in the manner provided by the Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in the sales of gas," and if found to register erroneously within the meaning of the said Act, or in case any such meter shall be shown at any time to have ceased to register, notwithstanding gas may have passed through it to the burners, and notwithstanding such meter shall, on being submitted to the test, then act correctly, it shall not be deemed to be one of the meters from which the average aforesaid shall be determined.

As to the
gas supplied
to public
lamps.

42. The gas supplied to any such public lamps shall be permitted to pass unrestricted to and from such self-acting regulator for the whole of the period during which such public lamps shall be lighted.

Providing
for deposit,
&c. of
annual
accounts.

43. In lieu of the account prescribed by the thirty-eighth section of "The Gasworks Clauses Act, 1847," an account, as near as may be in the form and containing the particulars specified in the second schedule to this Act, shall be made up to the thirtieth day of June.

in each year, and in the month of October following a copy of the said account, signed by the chairman or secretary of the company, shall be transmitted, free of charge, to the clerk of the peace of the county of Essex, under a penalty of five pounds for each default, and the copies so sent shall be kept by the said clerk, and shall be open to inspection by all persons and at all reasonable hours, on payment of one shilling for each inspection, but no other fee of any kind shall be chargeable in respect of the said account.

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44. The company, by their agents or workmen, after giving forty-eight hours notice in writing 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 any cause other than the neglect or default of the company or their servants, be discontinued, may enter such land, house, or building between the hours of nine in the forenoon and four in the afternoon, and may remove such pipes, mains, meters, or fittings, but repairing all damages caused by such 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, or if such person or his address be not known to the company, and cannot after due inquiry be found or ascertained, then by being affixed on some conspicuous part of such land, house, or building.

Power to remove meters and fittings.

45. In case any consumer of the gas of the company shall leave the premises where such gas has been supplied to him without paying to the company the gas rent or meter rent due from him, the company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable to pay arrears to gas.

46. All sums of money due to the company for the supply of gas, or for the hire or fixing of meters or fittings, and all damages, costs, and expenses by this Act directed to be paid, and the amount of which shall not be bonâ fide disputed, may (the party in default being first duly summoned) be levied by distress, and any justice, on application, may issue his warrant accordingly.

Sums undisputed may be recovered by distress.

47. Any one summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Contents of warrant.

48. Any justice issuing a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for

Warrant may include costs.

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Recovery of sums by action.

49. Whenever any person neglects to pay any rent or sum due to the company the company may recover the same, with full costs of suit, in any court of competent jurisdiction; and the remedy of the company under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Penalties not cumulative.

50. Penalties imposed on the company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Liability to gas rate not to disqualify justices.

51. No justice shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent, rate, or other charge under this Act.

Expenses of Act.

52. All the costs, charges, and expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the company.

The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

A piece of land belonging or reputed to belong to John Brown, in the parish of Cheshunt and county of Hertford, adjoining and on the west side of the Waltham railway station, and bounded on the east by the Great Eastern Railway, on the west by a field in the occupation of Stephen Henry Hunt, on the north by a field the property or reputed property of John Sharpe, on the south by the station yard of the Great Eastern Railway, and another piece of land belonging or reputed to belong to the said John Brown (being the site of his gasworks) situate at Waltham New Town, and bounded on the north and east by the Old River Lea, on the south by a road called Waltham Lane, and on the west by a road leading from Waltham Lane, all which said lands are situate in the county of Hertford.

THE SECOND SCHEDULE.

ANNUAL STATEMENT OF ACCOUNTS, showing the actual state and condition of the concerns of the Waltham Abbey and Cheshunt Gas Company for the twelve months ending the thirtieth day of June.

I. CAPITAL.—STATE of ACCOUNT at the end of the above twelve months.

Statute or Authority under which raised.	Number of Shares.	Amount per Share.	Paid up per Share.	Total paid up -	Total Capital.
Borrowed monies -			Rate per cent. -	Amount -	
				Total capital £	

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II. REVENUE.—ACCOUNT of all SUMS actually received and paid during the
 above twelve months, including assets and liabilities.

RECEIPT.						EXPENDITURE.							
	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.
Balances brought forward							Management:—						
Revenue account							Directors allowances						
Sale of gas:—							Salary of secretary and clerks						
By meter							Collectors commission and pay						
Public lighting and under contracts							Rent, rates, and taxes						
Less bad debts and allowances							Stationery, printing, and general charges						
Rental of meters							Payment to auditors						
Sale of old material							Manufacture of gas:—						
Sale of residual products:							Coals, including carriage dues, &c.						
Coke							Purifying materials						
Breeze							Supervision and labour						
Tar							Tools and other implements						
Ammoniacal liquor							Ordinary repair and maintenance of premises and mains						
Miscellaneous receipts							Meters:—						
Total receipts							Restoring and replacing						
Total expenditure							Law and parliamentary charges						
							Interest paid from profits on borrowed capital						
							Shareholders profit or dividend						
Balance to revenue next year	£						Total expenditure	£					

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