



CHAPTER clxxxix.

An Act for amalgamating the East Barnet Gas and Water Company, and the Potters Bar Gas and Coke Company (Limited), and the Barnet Consumers Gas Company (Limited); and for other purposes. [10th August 1872.] A.D. 1872.

WHEREAS in 1866 "The East Barnet Gas and Water Act, 1866," was passed: 29 & 30 Vict. c. lxxii.

And whereas by "The East Barnet Gas and Water Act, 1866," the East Barnet Gas and Water Company were incorporated and were empowered to supply gas and water in the parishes of East Barnet, Chipping Barnet, and Totteridge, in the county of Herts, and Friern Barnet, Finchley, Enfield, and Hadley, in the county of Middlesex, or some of them:

And whereas on the thirty-first day of July one thousand eight hundred and sixty-nine the Potters Bar Gas and Coke Company, Limited, were incorporated by memorandum of association under "The Companies Act, 1862," the objects for which they were established being (among others) the making and sale of gas and the supplying with gas the inhabitants of Potters Bar in the parish of South Mimms in the county of Middlesex, and the adjacent places:

And whereas on the thirty-first day of October one thousand eight hundred and seventy-one the Barnet Consumers Gas Company, Limited, were incorporated by memorandum of association under "The Companies Act, 1862," the objects for which they were established being (among others) the manufacture, supply, and sale of gas, and the carrying on of the business of a gaslight and coke company in the neighbourhood of Chipping Barnet, Ridge, and Shenley, in the county of Herts, and Monken Hadley, South Mimms, and Enfield, in the county of Middlesex, and other places in those counties:

And whereas the state of the share and loan capital of the said three companies appears in the first schedule to this Act:

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And whereas the amalgamation of the undertakings of the said three companies would be of great public and local advantage, and the same has been agreed on by the said two limited companies by special resolutions passed in accordance with the provisions of "The Companies Act, 1862," and it is expedient that effectual provision be made for the same :

And whereas it is expedient that various provisions be made respecting the undertaking which will be constituted by the amalgamation of the undertakings of the said three companies :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

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

Short title.

1. This Act may be cited as "The Barnet District Gas and Water Act, 1872."

Provisions of general enactments herein named incorporated.

2. The following enactments (as far as they are applicable for purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with this Act ; (namely,) "The Companies Clauses Consolidation Act, 1845," except the provisions thereof with respect to the conversion of borrowed money into capital, "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (except as far as the same relate to the purchase or taking of or entry on lands otherwise than by agreement), "The Gasworks Clauses Act, 1847," "The Waterworks Clauses Acts, 1847 and 1863," and Part V. (relating to amalgamation), except sections 39 and 52, of "The Railways Clauses Act, 1863 ;" and "The Gasworks Clauses Act, 1871," shall apply to the existing gas undertakings of the three companies as if the same were hereby authorised.

Interpretation of terms.

3. In this Act "the East Barnet Company" means the East Barnet Gas and Water Company, "the Potters Bar Company" means the Potters Bar Gas and Coke Company, Limited, "the Barnet Company" means the Barnet Consumers Gas Company, Limited, "the three Companies" means the said three companies, "the amalgamation" means the amalgamation of the three companies effected by this Act, and "the Company" means the Barnet District Gas and Water Company incorporated by this Act ; and 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

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subject or context repugnant to such construction; and in construing with this Act the Acts wholly or partially incorporated herewith the expression "the special Act" shall mean this Act, and the expression "fiat in bankruptcy" shall mean and include any proceedings in bankruptcy; and in this Act and the Acts wholly or partially incorporated herewith the expressions "the Company" and "the undertakers" shall respectively mean the Company by this Act incorporated, the expressions "the gasworks" and "the waterworks" shall mean respectively the gasworks and waterworks of the Company, or which they may hereafter become possessed of under the powers of this Act, the expression "the undertaking" shall mean and include such gasworks and waterworks, the expression "superior courts" 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.

4. The limits of this Act for the supply of gas shall be and include the whole of the several parishes of Totteridge, Chipping Barnet, Northaw, and North Mimms, in the county of Herts, and of Enfield, South Mimms, and Monken Hadley, in the county of Middlesex, and such portions of the parishes of Ridge and Shenley in the county of Herts as are not included within the district of "The Elstree and Boreham Wood Gas Order, 1872," and so much and such parts of the several parishes of East Barnet in the county of Herts, and Friern Barnet and Finchley in the county of Middlesex, as lie on the northern and western sides of an imaginary line commencing at a place called Fillecap Corner in the parish of Edmonton; thence along the boundary of the aforesaid parishes of Edmonton and Enfield, south-east and south to the southern branch of a certain brook called Salmon's Brook; thence eastward along the centre of that brook to a point where a certain road leading from Fillecap Corner aforesaid to a certain place known as Swain's Farm, crosses the said brook; thence northward up to the northern branch of the said brook; thence westward along the centre of the said brook to the boundary of the said parishes of Edmonton and Enfield; thence west and south along the said parish boundary to a point about one hundred yards north of the road leading from Enfield to East Barnet; thence westward and running parallel with the road to a point where two roads, called respectively East Barnet Lane and Cock Foster's Road, meet; thence south along the centre of a road leading from Cock Foster's to Southgate, about two hundred and sixty yards, to a point thence in a line south-west to the south corner of East Barnet Churchyard; thence in a straight line to a

Limits of
Act for
supply of
gas.

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point about three hundred and fifty yards from the Whetstone High Road; thence south to a point in Station Road about three hundred yards from the Whetstone Road; thence south-east to the southern boundary of the Manor House Farm; thence west along the centre of Finsbury Road crossing Finchley High Road; and thence in a straight line to the boundary of the said parish of Finchley at a certain brook known as Dollis Brook.

Limits of Act for supply of water.

5. The limits of this Act for the supply of water shall be and include the several parishes and places of East Barnet, Chipping Barnet, and Totteridge, in the county of Herts, and Friern Barnet, Finchley, and Hadley, in the county of Middlesex.

Effect of schedules. Dissolution of the three companies.

6. The schedules to this Act shall be deemed part of this Act.

7. The three companies are hereby as from and immediately after the thirtieth day of September one thousand eight hundred and seventy-two dissolved, and "The East Barnet Gas and Water Act, 1866," is hereby as from and immediately after the same day repealed, and the respective memorandums and articles of association of the Potters Bar and Barnet Companies are hereby as from and immediately after the same day annulled, and the time of the dissolution aforesaid shall, for the purposes of this Act, and of the enactments incorporated with this Act, be deemed the time of amalgamation.

Incorporation of Barnet District Gas and Water Company.

8. The persons and corporations who are at the time of amalgamation shareholders in and members of the three companies respectively, and all persons and corporations from time to time subscribing to the undertaking authorised by this Act, and their respective executors, administrators, successors, and assigns, are hereby as at and from the time of amalgamation incorporated into a company by the name of "The Barnet District Gas and Water 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 (by grant, demise, or otherwise) dispose of lands and other property for purposes of their undertaking.

Application of Part V. of 26 & 27 Vict. c. 92. to this Act.

9. Part V. of "The Railways Clauses Act, 1863," shall, for the purposes of this Act, operate as if the three companies were railway companies within that part, and as if the respective memorandums and articles of association of the Potters Bar and Barnet Companies were special Acts within that part.

Debts and credits on revenue account.

10. All money due at the time of amalgamation to or from the three companies respectively on revenue account shall be deemed to be assets or debts of the Company, and the Company shall adopt the revenue accounts of the three companies made up to the time

of amalgamation, and audited by the respective persons whose duty it would have been, if this Act had not been passed, to audit the accounts of the three companies, or in default of those persons, or any of them, by such respective persons as the Company for that purpose appoint, and the balance remaining on those accounts shall be carried to the revenue account of the Company. A.D. 1872.

11. The Company shall pay all the expenses of and incident to the closing of the accounts of the three companies respectively, and of and incident to their amalgamation. Expenses of amalgamation.

12. Every trustee or other person in whom or in whose name any property of the Potters Bar Company or of the Barnet Company was vested or standing, and who before the time of amalgamation has lawfully entered into any bond, covenant, contract, or other engagement in relation thereto, and every person who being duly authorised in that behalf has before the time of amalgamation entered into any other contract on behalf of either of those companies, shall be indemnified out of the property of the Company from all liability and against all expenses in consequence of his having entered into the same. Indemnity to trustees, &c.

13. The arrangements relative to the respective share capitals of the three companies, and relative to the stock and share capital of the Company, set forth in the second schedule to this Act shall be binding on the three companies and on the Company, and shall be carried into effect accordingly. Capital arrangements in schedule.

14. Stock in the capital of the Company, appropriated in pursuance of the stock and share capital arrangements confirmed by this Act, shall vest in the person or corporation entitled thereto on the same trusts and subject to the same powers, provisions, declarations, agreements, and charges as at the time of amalgamation affect those shares in the capital of one of the three companies for which the stock is substituted, and so as to give effect to and not revoke any testamentary disposition. Continuance of trusts of stock, &c.

15. The Company shall from time to time on request issue to proprietors of shares in the three companies respectively certificates of stock in the Company in lieu of and exchange for the certificates of shares in the three companies respectively, and the Company, if and when they think fit, may require the several proprietors of shares in the three companies to exchange the certificates thereof for certificates of stock in the Company. Company to issue certificates and may require old certificates to be exchanged.

16. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present Power to divide shares.

A.D. 1872. (personally 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.

Dividends
on half
shares.

17. 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 once for all 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 have from time to time 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.

18. 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 regis-
tered and
certificates
issued.

19. 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.

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20. The terms and conditions to 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.

Terms of issue to be stated in certificates.
Forfeiture of preferred shares.

21. The provisions of "The Companies Clauses Consolidation 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.

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

Preferred shares not to be cancelled, &c.

23. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether both preferred or both deferred, or one preferred and the other deferred,) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions hereinbefore contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

24. If any money be payable to any shareholder or proprietor, being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be sufficient discharge to the Company for the same.

Receipts on behalf of incapacitated persons.

25. It shall not be necessary that any proxy nominated by any corporation, being a member of such corporation, should be a proprietor in the Company.

Proxies of corporations.

26. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Shares not to be issued until one fifth paid.

27. The Company may from time to time borrow on mortgage, as follows; (namely,)

Power to borrow.

In respect of the sum of sixty-six thousand five hundred pounds stock, part of the original stock and share capital of eighty-five thousand pounds, any money not exceeding in the whole sixteen thousand five hundred pounds;

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In respect of the sum of eighteen thousand five hundred pounds, residue of the original stock and share capital of eighty-five thousand pounds, any sum not exceeding in the whole four thousand six hundred pounds ;

In respect of each sum of ten thousand pounds of additional stock or share capital, from time to time created under the power conferred by this Act on the Company of increasing their stock or share capital, any sum not exceeding in the whole two thousand five hundred pounds ;

but no part of the said sum of four thousand six hundred pounds or of any such sum of two thousand five hundred pounds, as aforesaid, shall be borrowed until (as the case may be) the whole of the said sum of eighteen thousand five hundred pounds of stock or share capital or of the respective sum of ten thousand pounds of stock or share capital, as aforesaid, is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under section 40 of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of that capital has 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 therein has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide* and is held by the subscribers or their assigns, and that the subscribers or their assigns are legally liable for the same ; and upon production to the justice of the books of the Company, and of such other evidence as he thinks sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof ; provided that the sum of eleven thousand three hundred and ten pounds already raised on mortgage by the East Barnet Company shall be deemed to be comprised in the said sum of sixteen thousand five hundred pounds, and the mortgages granted for the said sum of eleven thousand three hundred and ten pounds shall, during the continuance thereof, be a charge on the whole undertaking of the Company in priority to any mortgage granted by the Company under this Act.

Arrears may be enforced by appointment of a receiver.

28. The mortgagees of the Company may enforce payment of arrears of principal and interest due on their mortgages by the appointment of a receiver ; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than one thousand five hundred pounds in the whole.

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29. The Company may create and issue debenture stock.

Debenture stock.

30. Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Interest on mortgages and debenture stock to rank equally.

31. All moneys raised on mortgage or bond by the Company under this Act, and the interest due thereon, and the interest due on debenture stock created and issued under this Act, shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act; but this priority shall not affect any claim against the Company in respect of any rentcharge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860;" nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Priority of mortgages and debenture stock over other debts, &c.

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

Application of moneys.

33. The accounts of the Company shall be made up to the thirty-first day of December and the thirtieth day of June in each year.

Accounts of Company.

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

First ordinary meeting.

35. The number of directors shall be eleven, but the Company may from time to time reduce the number, provided that the number be not less than six.

Number of directors.

36. The qualification of a director shall be the possession in his own right of capital stock to the amount of not less than two hundred and fifty pounds or of not less than twenty-five shares.

Qualification of directors.

37. The quorum of a meeting of directors shall be five, but if the number of directors be reduced to six the quorum shall be three.

Quorum.

38. Robert Wilkinson, Henry Thomas Balfour, John Francis Bontems, Walter Ford, Richard Harris, Samuel Pontifex, William

First directors.

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Election of directors.

Skelton, Robert Marsden Massey, James Glaisher, Charles Horsley, and William Joslin 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, or directors to supply the place of those not continued in office, the directors appointed by this Act being (if qualified) eligible; 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 "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither 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.

Members of boards, &c. not disqualified.

39. Any contract to be made with any board, corporation, or public body under this Act shall not disqualify any of the members of any such board, corporation, or public body for the office of director.

Power to purchase lands by agreement.

40. The Company may purchase or acquire by agreement the lands distinguished by (B.) in the third schedule to this Act, and may hold any part thereof, purchased by the East Barnet Company before the passing of this Act, and may also purchase and acquire from any person willing to sell or grant the same any further lands not exceeding in quantity fifteen acres, or the Company may take by agreement any easements, rights, or privileges in, over, or affecting any of such lands respectively for the purposes of their undertaking, and the persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," 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: Provided always, that the Company shall not, under the powers of this Act, erect any works for the manufacture of gas or residual products upon any lands other than those specified in the third schedule to this Act.

Powers as to maintenance of gasworks, &c.

41. The Company from time to time may maintain, alter, and improve the existing gasworks situate upon the lands specified in the third schedule to this Act, and may upon those lands erect and

maintain works for the manufacture and storage of gas, and may do all such acts as they think proper for supplying gas within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, coal tar, pitch, asphaltum, ammoniacal liquor, any salts of ammonia, oil, and other products and residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they from time to time shall think fit.

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42. From and after the quarter day next after the passing of this Act, and thence until the end of the year one thousand eight hundred and seventy-five, the price to be charged by the Company for gas supplied to consumers burning the same by meter within such part of the district described in the fourth schedule to this Act as is comprised in the district of the Barnet local board of health shall not exceed four shillings and ninepence per one thousand cubic feet, and after the end of the year one thousand eight hundred and seventy-five shall not within the same district exceed four shillings and sixpence per one thousand cubic feet; and when the Company after the end of the said year one thousand eight hundred and seventy-five shall pay a dividend or divide a profit of or at the rate of nine per centum per annum on the Company's B. capital, the price of gas to consumers within the same district shall not exceed four shillings and threepence per one thousand cubic feet; and when the Company shall pay a dividend or divide a profit on the said B. capital of or at the rate of ten per centum per annum, the price to be charged as aforesaid shall not exceed four shillings per one thousand cubic feet, and so on rateably a reduction in price of threepence per one thousand cubic feet for every successive one per centum of dividend declared and paid by the Company on the said B. capital (under section 30 of "The Gasworks Clauses Act, 1847,") in order to make up the deficiency of any previous dividend.

Price of gas
in Barnet
local board
district.

43. The price of gas to be charged as aforesaid within so much of the district described in the fourth schedule to this Act as is not comprised in the district of the Barnet local board of health shall not exceed the price for the time being charged as aforesaid within the district of that local board, and the price to be charged as aforesaid within the residue of the limits of this Act for the supply of gas shall not exceed six shillings per one thousand cubic feet.

Price of gas
within resi-
due of Com-
pany's limits.

44. The price of gas supplied to the public lamps within such part of the district described in the fourth schedule to this Act as

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is comprised in the district of the Barnet local board of health shall not exceed the lowest price for the time being charged by the Company to any private consumer within such district.

Removal of existing works.

45. The Company shall, on or before the tenth day of October one thousand eight hundred and seventy-two, remove all the existing gasworks of the Barnet Company for the manufacture and storage of gas.

As to supplying gas to the district in the fourth schedule.

46. The gas to be supplied by the Company within such part of the district described in the fourth schedule to this Act as is comprised in the district of the Barnet local board of health shall be supplied exclusively from the works of the Company erected or to be erected on the lands distinguished by (A.) and (B.) in the third schedule to this Act; and such supply shall commence and be afforded by the Company on or before the tenth day of October one thousand eight hundred and seventy-two, but it shall be lawful for the Company in case of necessity to supply such gas as an auxiliary from the works mentioned in the description of the lands distinguished by (C.) in the third schedule to this Act.

Pressure of gas.

47. All gas supplied by the Company to any consumer of gas 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 main as near as may be to the junction therewith of the service pipe supplying such consumer, and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, from time to time, as and when he thinks fit, test the pressure at which the gas is supplied.

Quality of gas.

48. With reference to section 12 of "The Gasworks Clauses Act, 1871," the prescribed number of sperm candles shall be fourteen.

Testing place and apparatus.

49. With reference to section 28 of "The Gasworks Clauses Act, 1871," and Part I. of Schedule (A.) to that Act, the prescribed place (at which apparatus for testing the illuminating power of the gas supplied by the Company shall be provided) shall be some part of the Company's works, and the prescribed time shall be one year after the passing of this Act, and the prescribed burner shall be an argand fifteen-hole burner, with a seven-inch chimney, or some other suitable burner with a suitable chimney, the burner being capable of consuming gas at the rate of five cubic feet an hour.

Power to hold licenses

50. The Company may take, hold, and use any license or authority (not being exclusive) under any letters patent, for the use of

any invention relative to the manufacture or distribution of gas, or the utilisation of residual products obtained in the manufacture of gas.

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—
under letters
patent.

51. The service pipes to communicate with the mains and pipes of the Company, and the fittings connected therewith, shall be laid, placed, and removed under the superintendence of the Company and at the expense of the persons requiring or having the supply, and, at the option of those persons, either by themselves or by the Company.

Service
pipes.

52. The Company, with the consent of the owner and occupier of any buildings, may lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, 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 pipe, branch, or apparatus.

Power to lay
pipes against
buildings.

53. 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 undis-
puted may be
recovered by
distress.

54. The Company may purchase and acquire by agreement from the British Land Company, Limited, and the British Land Company, Limited, with the sanction of a special resolution, may sell and transfer to the Company their gasworks, waterworks, reservoirs, main pipes, machinery, and other works and conveniences for the supply of gas or water within the limits of this Act, upon such terms and conditions, pecuniary or otherwise, as the two companies may agree, and the British Land Company, Limited, may, if they think fit, accept as the consideration or as part of the consideration for such sale and transfer, and may hold shares in the capital of the Company.

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

55. The water to be supplied by the Company need not be constantly laid on under pressure.

Water need
not be con-
stantly laid on
under pressure.

56. The Company shall, at the request of the owner or occupier of any house, or part of a house, in any street in which any pipe of the Company is or shall be laid, or on the application of any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for domestic use at any

Rate at
which water
is to be sup-
plied for
domestic
purposes.

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rate on the annual rackrent of the house, or part of a house, or premises supplied, if the same be let at rackrent, and on the annual value, if and while the same is not let at rackrent, not exceeding the following; (that is to say,) if the annual rackrent or value do not exceed twenty pounds, six pounds per centum per annum on such annual rackrent or value; if the annual rackrent or value exceed twenty pounds and do not exceed thirty pounds, five pounds ten shillings per centum per annum on such annual rackrent or value; and if the annual rackrent or value exceed thirty pounds, five pounds per centum per annum on such annual rackrent or value: Provided always, that the Company shall not be bound to supply any house, part of a house, or premises for any less sum than five shillings per annum: Provided also, that in the case of any house, or part of a house, or premises used in part as retail or wholesale shops or warerooms, the said rates shall be charged (if the annual rackrental shall amount to more than twenty pounds and shall not exceed fifty pounds,) on three fourths only of such annual rackrental, and (if the annual rackrental shall amount to more than fifty pounds) upon two thirds only of such annual rackrental.

Rates for
waterclosets
and baths.

57. In addition to the rates for the supply of water for domestic purposes, the Company may demand and receive for every water-closet beyond or more than one in any house any yearly sum not exceeding five shillings, and for every private bath in any house the rackrental or annual value of which shall not amount to forty pounds, any yearly sum not exceeding twelve shillings, and for every such private bath beyond or more than one in any house the rackrental or annual value of which shall amount to or exceed forty pounds, any yearly sum not exceeding twelve shillings.

For prevent-
ing fouling
water.

58. Provided always, that the Company shall not be compellable to supply with water any watercloset, or any private bath, or the apparatus or pipes connected therewith respectively, unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company, nor unless such private bath shall be so constructed as to contain when filled for use not more than fifty gallons of water.

Water sup-
plied by
agreement.

59. The Company from time to time may supply any person with water for any purposes for which no specific rates are by this Act limited for such remuneration, and such supply may be by measure or otherwise, and upon such terms and conditions as shall be agreed on between the Company and the persons desirous of having the supply.

60. No notice to the Company to discontinue the use of any water supplied by them shall be of any effect unless such notice shall be in writing, and shall be left at the principal office for the time being of the Company.

A.D. 1872.
Notice to discontinue supply to be in writing.

61. Every person supplied with water by the Company who shall use a cistern or other receptacle for the water with which he shall be supplied shall furnish the same with an efficient ball cock or other like apparatus, and the surveyor or any other person acting under the authority of the Company may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter into any house in order to examine if there be any waste, misuse, or undue consumption of water, by means of any overflow spout, waste pipe, or other means or contrivance; and in case any such waste, misuse, or undue consumption of water shall be found to exist from the use of any such overflow spout, waste pipe, or other means or contrivance, it shall be lawful for such surveyor or other person to give not less than three clear days notice in writing to the person so supplied with water to alter, repair, and amend, or in default thereof for the removal of such overflow spout, waste pipe, or other means or contrivance, and the person so supplied shall forthwith alter, repair, amend, or remove the same in accordance with such notice after the expiration of three days from the giving of such notice.

Cisterns to be supplied with proper ball cocks, &c.

62. Subject to the provisions of this Act, it shall be lawful for the Company or the directors thereof, from time to time to make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the waste or misuse of water, and, amongst other things, to prescribe the size, nature, and strength of the pipes, cocks, and other apparatus to be used, and to interdict the use of any pipes, cocks, and other apparatus which may tend to such waste or misuse as aforesaid; and in the event of such regulations, or any of them, not being observed by any person about to become a customer of the Company, or being a customer of the Company, the Company may refuse to supply water or cut off the water supplied by them to such person or customer (as the case may be) until such regulations shall have been complied with, and in the event of any dispute as to whether such regulations are reasonable, or whether such regulations have been complied with by any person whose water shall have been so cut off as aforesaid, such dispute may from time to time upon the application of the Company be settled by two justices in manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the

Regulations to be made for preventing waste of water.

A.D. 1872. recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices.

Entry on premises to cut off supply in certain cases.

63. In all cases in which the Company are by "The Waterworks Clauses Act, 1847," or by "The Waterworks Clauses Act, 1863," or by this Act, authorised to cut off the pipe to or turn off the water from any premises, the Company, their agents and workmen, (after giving notice to the owner or occupier as herein-after provided,) may enter into any such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water of the Company shall be supplied to such premises.

Mode of giving notice.

64. The notice to be given previously to such entry shall be in writing, and shall be served in manner following; (that is to say,)

If the premises intended to be entered be occupied, then by leaving the notice thereat, or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry :

If such premises be unoccupied, and the owner thereof and his usual place of abode be in England and be known to the Company, then by delivering the notice to such owner, or by leaving the same at his usual place of abode twenty-four hours, or by sending the same by post by registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry :

If such premises be unoccupied, and the owner thereof or his usual place of abode be not in England, or be not known to the Company, then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry; and for the purposes of this provision any person receiving the rents of any such premises, either on his own account or as agent for any other person, shall be deemed the owner of such premises.

Undisputed rates, &c. may be recovered by distress.

65. All water rates or rents due to the Company, and all damages, costs, and expenses by this Act or any Act incorporated herewith directed to be paid, and the amount whereof shall not be disputed, may be levied by distress, and any justice on application may issue his warrant accordingly.

Several names in one warrant.

66. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the Company for any of the purposes of this Act, and may be stated either in the body of the warrant or notice, or in a schedule thereto.

67. Any justice issuing 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 such 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.

A.D. 1872.

Warrant
may include
costs.

68. 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.

Recovery of
sums by
action.

69. Penalties imposed upon 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.

Penalties not
cumulative.

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

Liability to
gas rate not
to disqualify
justices.

71. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Company.

Expenses of
Act.

A.D. 1872.

The SCHEDULES to which this Act refers.

THE FIRST SCHEDULE.

SHARE AND LOAN CAPITAL OF THE THREE COMPANIES.

I. *East Barnet Company.*

SHARE CAPITAL.				Authorised.	Issued.	Amount paid up.
				£	£	£
5,000 shares of 10l. each	-	-	-	50,000	50,000	49,220
Further	-	-	-	50,000	None.	
LOAN CAPITAL.				Authorised.	Raised.	
				£	£	
In respect of first 50,000l.	-	-	-	12,500	11,310	
In respect of second 50,000l.	-	-	-	12,500	None.	

II. *Potters Bar Company.*

SHARE CAPITAL.				Authorised.	Issued.	Amount paid up.
				£	£	£
1,000 shares of 5l.	-	-	-	5,000	5,000	5,000
LOAN CAPITAL.						
Nil.						

III. *Barnet Company.*

SHARE CAPITAL.				Authorised.	Issued.	Amount paid up.
				£	£	£
3,000 shares of 10l.	-	-	-	30,000	15,150	12,280
						<u>£66,500</u>
LOAN CAPITAL.						
Nil.						

THE SECOND SCHEDULE.

STOCK AND SHARE CAPITAL ARRANGEMENTS.

1. The original stock and share capital of the Company shall be eighty-five thousand pounds (being the aggregate amount of the authorised immediate share capitals of the three companies).

2. Between the passing of this Act and the time of amalgamation none of the three companies shall increase the amount of their share capital, or call for or receive from any shareholder any money in payment up of capital, or otherwise on capital account, nor shall any shareholder be entitled to make any such payment, whether on account of arrears of past calls or otherwise.

3. The original stock and share capital shall consist of stock to the amount of sixty-six thousand five hundred pounds, to be deemed fully paid up, and of one thousand eight hundred and fifty shares of ten pounds each.

4. The stock shall be distributed among the shareholders of the three companies, being such at the time of amalgamation, in proportion to their respective holdings in, and the sums at the passing of this Act paid up towards the several capitals of the three companies; (that is to say,)

£49,220	East Barnet Company	} to be distinguished as A. capital.
£5,000	Potters Bar Company	
£12,280	Barnet Company -	
<hr/> <hr/>		
£66,500		

5. Every shareholder in the three companies, being such at the time of amalgamation, shall be registered in conformity with these arrangements, according to his holding.

6. The several holders of capital stock of the Company shall be entitled to participate in the dividends and profits of the Company, and to the same privileges and advantages for the purpose of voting at meetings of the Company, qualification for the office of director, and for other purposes, as if the stock had been formed by the conversion or consolidation into stock of fully paid-up shares of the capital of the Company.

7. The one thousand eight hundred and fifty shares of the original stock and share capital shall be issued from time to time as if the same were additional share capital in accordance with the provisions of sections 16 to 21 (inclusive) of "The Companies Clauses Act, 1863."

8. The one thousand eight hundred and fifty shares shall be issued as, and shall form part of, the A. capital.

9. The B. capital shall take a dividend of one per centum per annum less than the A. capital, unless and until a dividend of ten per centum per annum is being paid on the A. capital, in which case the further divisible profits (if any) shall go to make up the dividend on the B. capital to the rate of ten per centum per annum.

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10. When the whole of the original stock and share capital of the Company has been expended for the purposes of this Act, and if such capital is found insufficient for such purposes, the Company, with the consent of three fifths of the shareholders present in person or by proxy at any general meeting of the Company, specially convened for the purpose, may from time to time raise by the creation and issue of new ordinary shares or stock in their undertaking any further sum or sums of money not exceeding in the whole fifty thousand pounds.

11. Notwithstanding anything contained in "The Gasworks Clauses Act, 1847," the Company shall not in any year pay a larger dividend on such new ordinary shares or stock than at the rate of ten pounds in the hundred on the amount for the time being paid up in respect of such shares, or (as the case may be) upon the amount of such stock, but if in any year ending on the thirty-first day of December there are not profits available for the full payment of that dividend, 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.

THE THIRD SCHEDULE.

LANDS ON WHICH COMPANY MAY MANUFACTURE GAS.

(A.)

Certain lands situate in the parish of East Barnet in the county of Herts, bounded towards the north or north-east and also towards the east by lands belonging or reputed to belong to Mrs. Jane Howard, and in the occupation of George Cook; towards the south or south-east, as to part by land belonging or reputed to belong to and in the occupation of Robert Downie the elder; as to other part by Albert Road; and as to the residue by land belonging or reputed to belong to Mrs. Harriet Young, and in the occupation of James Sharpe, John Fisher, John Dellor, Walter Upton, and John Robins; and towards the west, south-west, and north-west by the Great Northern Railway.

(B.)

A piece of land situate in the said parish of East Barnet, bounded towards the north-west by the lands above described, towards the north by lands belonging to or reputed to belong to Mrs. Jane Howard, and in the occupation of George Cook; towards the east or north-east, as to part by land belonging or reputed to belong to Mrs. Jane Howard, and in the occupation of George Cook; and as to the residue by land belonging or reputed to belong to and in the occupation of James Peak, towards the south or south-east by Victoria Road, and towards the west or south-west, as to part by land belonging or reputed to belong to and in the occupation of Robert Downie the elder; as to other part by land belonging or reputed to belong to John Cooke, and in the occupation of Mrs. Wilding and William Pluckwell; as to other part by land belonging or reputed to belong to Mrs. Harriet Young, and in the occupation of James Bond

and George Quicke; as to other part by land belonging or reputed to belong to Daniel Harris, and in the occupation of Mary Harvey; as to other part by land belonging or reputed to belong to the General Credit Company, and in the occupation of John Kelly, Charles Harris, and William Sprigmore; as to other part by land belonging or reputed to belong to Henry Langley, and in the occupation of the said Henry Langley, Thomas Batson, and Robert Mitchell; as to other part by land belonging or reputed to belong to George Conisbee, and in the occupation of Frederick Pye; as to other part by land belonging or reputed to belong to Richard Kiff, and in the occupation of Frederick Pye; as to other part by land belonging or reputed to belong to William Lines, and in the occupation of the said William Lines and William James Game; and as to the residue by land belonging or reputed to belong to the British Freehold Land Society, and in the occupation of William Lewis.

(C.)

A piece of land, containing two roods and twenty-two perches or thereabouts, situate in the parish of South Mimms in the county of Middlesex, lying on the north-east side of the public road leading from Barnet to Hatfield, and now in the occupation of the Potters Bar Gas and Coke Company, Limited, and on part whereof the existing gasworks now stand, which said piece of land contains on the north one hundred and seventy-five feet six inches, on the east one hundred and fifty-four feet, on the south one hundred and seventy-one feet six inches, and on the west one hundred and sixty-seven feet, and is bounded on the north and east by land belonging or reputed to belong to and in the occupation of Joseph Hemingway and others, on the south by a piece of land called or known as Meetinghouse Field, and on the west by land belonging or reputed to belong to Mr. Richard Ware.

THE FOURTH SCHEDULE.

DISTRICT OF BARNET COMPANY (COMPRISING DISTRICT OF BARNET LOCAL BOARD OF HEALTH).

An area bounded as follows; (to wit,) on the south and south-west sides thereof by so much of a road called May's Lane as lies between the foot of Barnet Hill and Barnet Gate, on the west side by an imaginary straight line from Barnet Gate to the point where the county boundary between Middlesex and Hertfordshire crosses the road leading from Well End to the main road from Saint Albans to London, on the northern side by so much of a road as runs from the last-named point in a north and north-easterly direction past Dancer's Hill and across Bentley Heath to the Great Northern Railway, and on the east side by so much of the Great Northern Railway as lies between the point where the railway is crossed by the Old Great North Road and the southern end of the tunnel which is nearest to Hadley, and on the south-easterly side thereof by an imaginary straight line drawn from the last-named point to the north-westerly boundary

[Ch. clxxxix.] *The Barnet District Gas and* [35 & 36 VICT.]
Water Act, 1872.

A.D. 1872. — of a property belonging or reputed to belong to Charles Dickens, and by another imaginary straight line drawn from the last-named point at such north-western boundary to the angle of Potters Lane, and also bounded by Potters Lane, between the last-named point at the angle of Potters Lane and the turnpike road at the foot of Barnet Hill, and bounded again by an imaginary straight line from the end of Potters Lane to the first-described portion of May's Lane, such area being whole and entire and such boundaries together forming one continuous boundary line.

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