



CHAPTER ccxvii.

An Act for incorporating the Knutsford Light and Water Company; and for other purposes. [11th August 1879.] A.D. 1879.

WHEREAS in the year one thousand eight hundred and sixty-four certain persons formed themselves into a company, under the name of the Knutsford Gas and Water Company, Limited (herein-after called "the limited company"), for the purpose of supplying gas and water to the town and parish of Knutsford and other places in the county of Chester, and generally for carrying on the business usually carried on by gas and water companies, and such company was duly registered under the Companies Act, 1862, having a capital of twenty thousand pounds divided into four thousand shares of five pounds each, with the addition of borrowing powers not to exceed seven thousand pounds in amount:

25 & 26 Vict.
c. 89.

And whereas by the Knutsford Gas and Water Order, 1871, made under the provisions of the Gas and Water Works Facilities Act, 1870, and confirmed by the Gas and Water Orders Confirmation Act, 1871 (which Order is herein-after called "the Order of 1871"), the limited company were constituted "the undertakers" for the purposes of that Order, and their limits of supply were defined, and the share capital of the undertakers for the purposes of the gas undertaking by that Order authorised was not to exceed eleven thousand pounds divided as in the said Order mentioned, and the share capital of the undertakers for the purposes of the water undertaking was not to exceed nine thousand pounds divided as in the said Order mentioned, unless in either case the undertakers were authorised to raise additional share capital by Provisional Order or by Act of Parliament:

33 & 34 Vict.
c. 70.
34 & 35 Vict.
c. cxliv.

And whereas the whole of the share capital so authorised for water purposes has been issued and paid up, and the whole of the share capital so authorised for gas purposes has likewise been issued and paid up, and the limited company have borrowed on mortgage

A.D. 1879. various sums from time to time, of which the sum of one thousand pounds only now remains unpaid :

And whereas since the passing of the Order of 1871 the population and demand for gas and water within the limits of supply have increased and are increasing, and to provide for such increased demand it is expedient that additional provision as to works and otherwise and as to further capital should be made :

And whereas it is expedient that the limited company be dissolved and re-incorporated and that powers be conferred upon them and provisions made for the purpose of more efficiently carrying on their undertaking :

And whereas it is expedient that the said Order be repealed :

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,)

Short title. 1. This Act may be cited as the Knutsford Light and Water Act, 1879.

Incorporation of general Acts.

8 & 9 Vict. c. 16.
26 & 27 Vict.
c. 118.
32 & 33 Vict.
c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
10 & 11 Vict.
c. 17.
26 & 27 Vict.
c. 93.
10 & 11 Vict.
c. 15.
34 & 35 Vict.
c. 41.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), Part III. (relating to debenture stock), and Part IV. (change of name) of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845 (except the provisions thereof with respect to the purchase, entry upon, and taking of land otherwise than by agreement), 1860, and 1869, the Waterworks Clauses Acts, 1847 and 1863, and the Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, are, subject to the provisions of this Act, and except where the same are varied by or inconsistent with this Act, incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the undertaking of the limited company as if the same had been authorised by this Act.

Interpretation 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 :

The expression "the limited company" shall mean the Knutsford Gas and Water Company, Limited :

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The expressions "the Company," "the undertakers," or any like expression, shall mean the Company incorporated by this Act: The words "share" and "shareholder" include "stock" and "stockholder":

The expressions "the works," "the gasworks," "the waterworks" (except where any particular gasworks or waterworks are expressly mentioned) shall respectively mean and include the gasworks and the waterworks and works connected therewith by this Act vested in, and any works by this Act authorised to be made or maintained by, the Company, and any improvement thereof which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects, and undertaking of the Company and every part thereof respectively:

The expression "gas" shall mean and include all kinds of gas used for illuminating purposes, whether manufactured from oil, coal, resin, or other substance or substances whatever:

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of 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 townships of Nether Knutsford otherwise Knutsford Inferior, Over Knutsford otherwise Knutsford Superior, Toft, and Bexton, in the parish of Nether Knutsford otherwise Knutsford Inferior, in the county of Chester, the townships of Tatton Mere and Over Tabley otherwise Tabley Superior, in the parish of Rostherne, in the said county of Chester, and the township of Nether Tabley otherwise Tabley Inferior, in the parish of Great Budworth, in the said county of Chester, and the limits of this Act for the supply of water shall be the limits herein-before described for the supply of gas.

Limits of Act.

5. From and after the passing of this Act, the limited company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of that company, and all other persons and corporations who shall hereafter subscribe to or become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purposes herein-after mentioned, and shall be

Company incorporated.

A.D. 1879. — incorporated by the name of "The Knutsford Light and Water Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

6. The Company shall be established for the purpose of manufacturing gas for public and private purposes of lighting and for trade, cooking, motive power, and all other purposes whatsoever, and for dealing in, selling, and disposing of gas, lime, coke, tar, chemicals, and other residual or manufactured products, and for supplying water by meter or otherwise to and within the limits of this Act, and for carrying on the business usually carried on by gas or water companies, including anything which is or may become incident thereto, or by companies or persons dealing in any of the matters or things aforesaid, and for other the purposes of this Act, including the manufacturing, purchasing, hiring, and supplying meters, fittings, stoves, steam, or other engines, machinery, and apparatus.

Present property of existing company vested in Company incorporated by this Act.

7. Subject to the provisions of this Act, all the lands, gasworks, waterworks, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the limited company, or any person in trust for them, or to which that company were in anywise entitled and held and used by them for the purposes of supply of gas or water, and all mains and pipes, plant, plugs, lamps, lamp irons, retorts, gasholders, receivers, purifiers, gauges, meters, lamp-posts, syphons, apparatus, reservoirs, conduits, sluices, embankments, filtering beds, weirs, dams, cuts, channels, engines, tanks, water towers, shafts, mills, machinery, buildings, stock, effects, matters, and things which have been by them purchased, provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of the limited company, and used by them for such supply, or in connexion therewith, and all moneys, securities, credits, effects, and other property whatsoever which immediately before the passing of this Act belonged to the limited company, or to any trustee on their behalf, and the benefit of all contracts and engagements relating to the supply of gas or water, and of all licenses, agreements, and benefits of licenses and agreements entered into or obtained by or on behalf of the limited company, or any trustee on their behalf, and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act

vested in the limited company, or any trustee on their behalf, and may, according to the provisions of this Act, be held, exercised, and enjoyed, sued for, and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit. A.D. 1879.

8. Subject to the provisions of this Act, the memorandum and articles of association of the limited company shall as to any prospective operation thereof be wholly void, and the Order of 1871 shall be repealed; and the Company and the shareholders thereof shall be exempted from all the provisions, restrictions, and requirements of any Act or Provisional Order which applied to the limited company and the members thereof as such, but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum and articles of association, or of the Order of 1871, incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the limited company if this Act had not been passed. Memoran-
dum and
articles of
association
to be void
and Order
repealed
without
prejudice.

9. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the limited company, or the members thereof as such, shall be as valid as if the Company had not been incorporated, and the said memorandum and articles of association had not been avoided, and the Order of 1871 repealed by this Act, and such incorporation, avoidance, and repeal, and this Act respectively, shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated and the said memorandum and articles of association were not avoided, and the Order of 1871 were not repealed by this Act, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, and with respect to all such rights, liabilities, claims, and demands the Company and its shareholders and property shall to all intents and purposes represent the limited company and the members thereof as such, and the property of the limited company, as the case may be, and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act. Nothing to
affect pre-
vious rights
and lia-
bilities.

10. Except as is by this Act otherwise specially provided, all purchases, sales, leases, conveyances, grants, assurances, deeds, con- Existing
contracts to
be binding.

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tracts, mortgages, bonds, and agreements entered into or made before the passing of this Act by, to, or with the limited company, or any trustees or persons acting on behalf of the limited company, or by, to, or with any other person to whose rights and liabilities they have succeeded and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually as if instead of the limited company, or the trustees or persons acting on behalf of the limited company, the Company had been a party thereto.

Actions, &c.
not to abate.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the limited company, or any member thereof, in relation to the affairs of that company, or to which that company, or any member thereof, in relation to such affairs were parties immediately before the passing of this Act, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the limited company, or any member thereof, if this Act had not been passed, the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the limited company and its members respectively.

Trustees of
existing
Company to
be indemnified.

12. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the limited company were vested immediately before the passing of this Act, and who (being authorised to do so) entered into any bond, covenant, contract, or engagement in respect of the same, or otherwise on behalf of the limited company, shall be indemnified out of the funds and property of the Company against all liability (including costs, charges, and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond, covenant, contract, or engagement.

Company
to satisfy
liabilities of
existing
company.

13. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the limited company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

14. All gas or water rates or rents, meter rents, lamp rents, or other sums of money which immediately before the passing of this Act were due or accruing to the limited company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

A.D. 1879.
Recovery
of gas and
water rents,
&c.

15. All persons who immediately before the passing of this Act owed any money to the limited company, or to any person on their behalf, shall pay the same with all interest (if any) due or accruing upon the same to the Company, and all debts and moneys which immediately before the passing of this Act were due or recoverable from the limited company, or for the payment of which that company were or but for this Act would be liable, shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

As to pay-
ment of
debts owing
before pass-
ing of Act.

16. Notwithstanding the avoidance of the memorandum and articles of association, and repeal of the Order of 1871, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under them for and with respect to any shares in the limited company shall remain in full force and continue and be available in all respects as if they had not been avoided and repealed.

Certificates,
&c. to re-
main in
force.

17. All documents, books, and writings which, if the said avoidance and repeal had not taken place, would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such avoidance and repeal.

Books, &c.
continued
evidence.

18. All officers and servants of the limited company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

Officers to
continue
until re-
moved.

19. The books kept by the limited company for entering the names and designations of the members thereof, with the numbers of their shares, and the proper distinguishing number of their shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the

Present
register of
members to
be continued.

A.D. 1879. register of shareholders required to be kept by the Companies
Clauses Consolidation Act, 1845.

Company
shall call in
and cancel
existing
share certi-
ficates and
issue new
certificates
in lieu
thereof.

20. The Company shall call in and cancel the existing certificates of shares in the limited company, and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act, 1845, but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Capital.

21. The capital of the Company shall be divided into two classes, to be called respectively "the lighting capital" and "the water capital."

The lighting capital shall consist of capital stock to be created and vested as herein-after mentioned, and distinguished in this Act as "lighting stock," and of new share capital to the amount of twenty thousand pounds, distinguished in this Act as "new lighting capital."

The water capital shall consist of capital stock to be created and vested as herein-after mentioned, and in this Act distinguished as "water stock," and of new share capital to the amount of ten thousand pounds, in this Act distinguished as "new water capital."

The lighting stock shall not exceed in amount eleven thousand pounds, representing the shares in the present capital of the limited company for the purposes of the gas undertaking; and such stock shall be vested in, appropriated, and belong to the several persons who immediately before the passing of this Act were the registered members of the limited company in substitution for the existing shares in like proportions, and the stock so vested and appropriated shall (subject to the express provisions of this Act) be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the shares or share for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

The water stock shall not exceed in amount nine thousand pounds, representing the shares in the present capital of the limited company for the purposes of the water undertaking, and such stock shall be vested in and appropriated and belong to the several persons who immediately before the passing of this Act were the registered members of the limited company in substitution for the existing

shares in like proportions, and the stock so vested and appropriated shall (subject to the express provisions of this Act) be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the shares or share for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same. A.D. 1879.

22. The new lighting capital and new water capital which the Company are by this Act authorised to raise (together referred to in this Act as "the new capital") may respectively be raised by the creation and issue of ordinary shares or stock, or preference shares or stock, or, at the option of the Company, by any one or more of these modes, and as to the new lighting capital, subject to the express provisions herein-after contained. New capital.

23. The shares or stock so created in the new capital shall form part of the capital of the Company. New shares or stock to form part of capital.

24. Any shares in the new capital, whether ordinary or preference, shall be of a nominal amount of not less than ten pounds, and such shares shall be numbered in arithmetical progression, and every share shall be distinguished by its appropriate number. As to amount of new shares.

25. The Company shall not issue any share in the new water capital, nor shall any such share vest in the person or corporation 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.

26. One fifth of the amount of a share in the new water capital 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, as the case may be. Calls.

27. Except as by this Act otherwise provided, the new capital created by the Company under this Act, and the shares and stock therein, and the holders thereof respectively, shall be entitled to the same powers, provisions, liabilities, rights, privileges, and incidents in all respects as if that capital were part of the existing capital of the Company at the time of the passing of this Act of the same class or description, and such shares or stock were shares or stock in the existing capital of the Company. Except as otherwise provided, new shares or stock to be subject to the same incidents as other shares or stock.

28. Every person who becomes entitled to shares or stock in the new capital shall in respect of the same be a holder of shares or stock in the Company, and shall be entitled to a dividend with the Dividends on new shares or stock.

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other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such shares in the new capital, or to the whole amount of such stock in the new capital, as the case may be.

Restriction
as to votes
in respect of
preferential
shares or
stock.

29. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any shares or stock in the new capital to which a preferential dividend shall be assigned.

Receipt clause
in cases of
persons not
sui juris.

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

Profits of
Company
limited.

31. The Company shall not, except as herein-after mentioned, in any one year make out of their profits any larger dividend on the lighting stock or water stock than ten pounds, nor on the new capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such new capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such new capital as may be issued as preference capital, which rates are respectively referred to as the standard rates of dividend.

Dividends
on different
classes of
shares or
stock to be
paid propor-
tionately.

32. In case in any half year the profits of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum dividend on each class of ordinary stock or shares in the capital of the Company, a proportionate deduction shall be made in the dividends of each class; provided that nothing herein contained shall prejudice the right of the Company to resort to their reserved funds for contingencies to answer any deficiencies which may at any time have arisen in the dividends of the Company.

As to pre-
sent reserve
funds.

33. The present reserve funds of the Company shall from and after the passing of this Act form part of the reserve funds authorised to be provided by this Act.

Power to
raise light-
ing capital.

34. The Company shall not issue any share in the new lighting capital of less nominal value than ten pounds, nor shall any such share vest in the person or corporation accepting the same, unless and until the full nominal amount of such share, together with any premium obtained upon the sale thereof, shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of new lighting capital than shall be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of twenty thousand pounds: Provided also,

that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid five thousand pounds, or within any subsequent year five thousand pounds.

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35. If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years, they may in any subsequent year create and issue, in addition to the amount prescribed for such year, such a nominal amount of capital as shall be sufficient, together with the amount then raised, to produce in manner aforesaid five thousand pounds in respect of the year following the passing of this Act, and five thousand pounds in respect of every subsequent year then expired.

If authorised capital for any year not raised the amount may be made up.

36. Notwithstanding anything in this Act contained, the Company shall when any shares in the new lighting capital created under the powers of this Act are to be issued, and before offering the same to the holder of any other shares or stock in the Company, and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not, offer the same for sale by public auction or by tender in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine; provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of lighting shares or stock, and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Company to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holders of stock in the Company.

New lighting shares to be offered by auction or tender.

37. It shall be one of the conditions of any sales by auction of lighting shares or stock under this Act that the whole nominal amount thereof, together with any premiums given by any purchaser at such sale, shall be paid to the Company within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

38. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the rural sanitary authority at Knutsford, and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders,

As to notice to be given as to sale of shares.

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Shares not sold by auction or tender to be offered to shareholders.

39. When any such shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold, the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act, 1863: Provided always, that any such shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act as aforesaid, except that the reserved price put upon such shares and stock may, if the directors think fit, be less than the nominal amount thereof, and except also that at any such auction a bidder who holds shares or stock in the Company shall in the event of equal bidding be declared the purchaser in preference to another bidder who is not a holder of shares or stock in the Company.

Application of premium arising on issue of shares.

40. Any sum of money which shall arise from the issue of any such shares by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Company, but shall be expended in extending or improving the works of the Company, or in paying off money borrowed or owing on mortgage by the Company, and shall not be considered as part of the capital of the Company entitled to dividend.

If profits exceed amount limited excess may be invested and form an insurance fund.

41. If the clear profits of the gas undertaking of the Company in any year amount to a larger sum than is sufficient to pay the rates of dividend by this Act authorised, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per cent. per annum upon the paid-up lighting capital of the Company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up lighting capital of the Company, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Company from accident, strikes, or

other circumstances, and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen: Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up lighting capital, the interest thereon shall be carried to the credit of the fund available for dividend: Provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such insurance fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

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42. If the clear profits of the gas undertaking of the Company in any year amount to a larger sum than is sufficient to pay the rates of dividend by this Act authorised on the lighting capital, and to form or make up the insurance fund by this Act authorised, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of the gas undertaking for the next following year.

Application of excess of profits over standard rate of dividend.

43. Where in any year the amount of the standard rate of dividend of the Company on the ordinary lighting share capital or stock of the Company shall by reason of a diminution of the standard price charged by the Company in such year be increased, then out of the amount of the divisible profits of the Company applicable to the payment of such increase the Company may in such year set apart such sum as they shall think fit, and all sums (if any) so set apart by the Company and any reserved or other gas fund of the Company existing at the passing of this Act may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities, in order that the same may accumulate at compound interest, and the fund so formed shall be called "the reserve lighting fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the rates of dividend authorised by this Act, and, save as in this Act otherwise provided, no sum shall in any year be carried by the Company to the reserve lighting fund.

Power to create a reserve fund out of dividends in excess of standard rate of dividend and application thereof.

44. The Company shall keep separate accounts of their receipts and expenditure for lighting and water purposes respectively on capital and revenue account, and they may apportion between those accounts any expenditure incurred for purposes common to both.

Separate accounts.

45. The Company may at any time, and from time to time after the passing of this Act, borrow on mortgage, in respect of the

Power to borrow on mortgage in

A.D. 1879. respect of original capital. original capital of twenty thousand pounds, any sum not exceeding in the whole five thousand pounds, inclusive of the moneys now owing on mortgage by the Company: Provided always, that of the said total amount of five thousand pounds, the sum of two thousand five hundred pounds shall be deemed to be borrowed in respect of the lighting stock and the sum of two thousand five hundred pounds in respect of the water stock.

Power to borrow on mortgage in respect of additional capital. **46.** In addition to the sum of five thousand pounds which the Company are authorised to borrow by the last preceding section, they may from time to time borrow on mortgage as is herein-after mentioned, in respect of the new capital of twenty thousand pounds and ten thousand pounds by this Act authorised to be raised by shares or stock, any sums not exceeding in respect of the new lighting capital a sum of five thousand pounds and in respect of the new water capital the sum of two thousand five hundred pounds, making in the whole seven thousand five hundred pounds; (that is to say,) when five thousand pounds of the new lighting or water capital by this Act authorised to be raised has been issued, accepted, and one half thereof has been paid up, and certified as herein-after mentioned, they may borrow on mortgage in respect thereof any sum not exceeding one thousand two hundred and fifty pounds, and when a further sum of five thousand pounds of the said new capital has been issued, accepted, and one half thereof has been paid up, and certified as is herein-after mentioned, they may borrow on mortgage in respect thereof one thousand two hundred and fifty pounds, making with the first-mentioned sum of one thousand two hundred and fifty pounds two thousand five hundred pounds, and in respect of each further five thousand pounds of the new capital of twenty thousand pounds and ten thousand pounds they may borrow on mortgage in respect thereof a proportional amount not exceeding one thousand two hundred and fifty pounds until the whole of the respective five thousand pounds or two thousand five hundred pounds, as the case may be, has been borrowed; but no such borrowing power shall be exercised by the Company until shares for so much of the portion of the said new capital in respect of which the borrowing power is to be exercised as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such portion of capital have been issued and accepted, and one half thereof paid up, and that not less than one-fifth part of the amount of each separate share in such portion of

capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the portion of the said new capital in respect of which the borrowing power is to be exercised as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said new capital is raised by shares, that such persons or corporations, their executors, administrators, successors, or 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 proof aforesaid has been given, which shall be sufficient evidence thereof. A.D. 1879.

47. 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. 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 is made shall not be less than one thousand pounds in the whole. Arrears of interest and principal may be enforced by appointment of a receiver.

48. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon the shares or stock referred to in this section are limited to a rate not exceeding five pounds per centum per annum. As to conversion of borrowed money into capital.

49. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of 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 any debt incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rent-charge 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, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act or Order relating to the Company, Priority of mortgages over other debts.

A.D. 1879. or otherwise, which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Existing mortgages to have priority.

50. The existing mortgages of the limited company shall, during the continuance thereof, and as regards the portion of the undertaking of the Company on which the same are charged, have priority over any other mortgages granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Power to create debenture stock.

51. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Company shall rank *pari passu* with the interest of all mortgages granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

General meetings.

53. The first ordinary meeting of the Company shall be held (if time permits) in the month of August (and if not, in the month of February) next after the passing of this Act, and the future ordinary meetings shall be held in the months of August and February in every year.

Quorum.

54. The quorum of any ordinary or general meeting of the Company shall not in any case exceed ten.

Number of directors.

55. The number of the directors shall be five, but the Company may from time to time reduce the number, provided that the number never be less than three.

Qualification of directors.

56. The qualification of a director shall be the possession in his own right of not less than twenty shares or of stock to the amount of two hundred pounds in the capital of the Company.

Quorum of directors.

57. The quorum of a meeting of directors shall be three.

First and other directors.

58. Thomas Hurst, John Piggott, Joseph Grice, Peter Darlington, and William Nicholls shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held in the month of February 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

A.D. 1879.

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 for re-election; and at the first ordinary meeting to be held in the month of February 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 varying the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting being neither removed or disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

59. The remuneration of the directors and auditors shall from time to time be fixed by a general meeting of the Company, and shall be paid out of the moneys from time to time received by the Company under this Act. Remuneration of directors and auditors.

60. Subject to the provisions of this Act, the Company may from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue their existing gasworks upon the lands described in the Schedule to this Act, and they may also in combination with their existing gasworks, or apart therefrom, erect, make, and maintain, alter, improve, enlarge, extend, and renew or discontinue works for the manufacture, development, storing, and supply of gas, and for the conversion or utilisation and distribution of materials used in and about the manufacture of gas and residual products resulting from any such manufacture, and for the manufacture of chemicals, and they may manufacture and produce gas and convert residual products accordingly; and the Company may also from time to time provide, lay down, maintain, adapt, alter, and renew or discontinue mains, pipes, drains, sewers, meters, lamps, lamp-posts, burners, stop cocks, engines, and other machinery, apparatus, and conveniences, and may do all such other acts on the lands aforesaid as they may think proper for making, storing, and supplying gas within the limits of this Act, and may supply gas accordingly; and may deal in, sell, and dispose of coke, tar, lime, chemicals, and other residual or manufactured products, and may sell and dispose of the same at the works of the Company and elsewhere, and may carry on the business usually carried on by gas companies, or which is or may become incident thereto, or by companies or persons dealing in any of the matters and things aforesaid, and in connexion therewith the Company may manufacture,

A.D. 1879. purchase, or hire and supply gas meters, fittings, stoves, machinery, steam or other engines, and other apparatus.

Power to lay pipes, &c. against buildings.

61. The Company, with the consent of the owner and occupier of any building, may lay any pipe or any other necessary apparatus from any main, branch pipe, or other work of the Company 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 or duration of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe or apparatus.

Pipes, &c. crossing the Cheshire Lines Railway to be laid down under inspection of their engineer.

62. Any pipes to be laid down or works constructed by the Company under, over, or in such close proximity as to affect any railway or works of the Cheshire Lines Committee shall (except in case of accident or emergency) be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Cheshire Lines Committee, and in accordance with plans to be from time to time approved by such engineer and the engineer of the Company, or in the event of difference by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party.

Power to purchase additional lands by agreement; gas not to be manufactured except on lands scheduled.

63. The Company may for the purposes of their undertaking purchase and take (by agreement, but not otherwise) and hold, in addition to the lands described in the Schedule to this Act annexed, and to any lands which they are otherwise authorised by this Act to acquire or have acquired, any lands and hereditaments, not exceeding in the whole six acres, which the Company may from time to time require for the purposes of the works and undertaking: Provided always, that the Company shall not construct works for the manufacture of gas, nor shall they manufacture gas or make or convert residual products, except upon the lands described in the Schedule to this Act.

Power to take easements, &c.

64. Persons empowered by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to convey or release lands, may, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company for the purposes of this Act any term, estate, easement, interest, right, or privilege (not being an easement of water) in, over, or affecting, or belonging to such lands at a yearly rent or otherwise, and the provisions of those Acts with respect to lands and rentcharges shall, as far as the same are applicable in this

behalf, extend and apply to such grants, easements, rights, and privileges. A.D. 1879.

65. The standard price to be charged by the Company for gas supplied by them shall be four shillings and sixpence per one thousand cubic feet; provided that the Company may increase or diminish such standard price, subject to a decrease or increase in the standard rates of dividend upon the ordinary capital as defined by this Act, to be calculated as follows : Standard price of gas with sliding scale as to dividend.

For every penny charged in excess or in diminution of such standard price in any year, the standard rates of dividend upon the ordinary capital shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

66. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight 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, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, *mutatis mutandis*, apply to such testing of pressure, and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted. Pressure of gas.

67. The prescribed number of candles shall be fourteen. Quality of gas.

68. Within twelve calendar months from the passing of this Act a testing place shall be provided upon some part of the works or lands of the Company, or within two hundred yards from any part thereof. Testing place.

69. The prescribed burner shall be the burner known as Sugg's London Argand Burner, No. 1, consuming five cubic feet of gas per hour, with a six-inch by one-and-three-quarter-inch glass chimney measured outside, and if at any time the gas flame rises above the top of the glass a six-inch by two-inch chimney measured outside shall be used. Burner.

70. The Company may maintain, continue, use, and may from time to time alter and enlarge the existing waterworks other than Power to maintain and continue waterworks.

A.D. 1879. — reservoirs and works connected therewith, and they may, subject to the provisions of this Act, supply and sell water within the limits of supply.

Quality of water. **71.** The water supplied by the Company shall be effectually filtered.

Rates at which water is to be supplied for domestic purposes. **72.** The Company shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply for such domestic purposes at rates not exceeding five pounds per centum per annum on the annual rackrent of the premises so supplied with water if the same be let at rackrent, and five pounds per centum per annum on the annual value if and while the same is not let at a rackrent: Provided always, that the Company shall not be bound to supply any premises for any less sum than five shillings per annum, nor any bath containing or usually filled for use a greater quantity of water than fifty gallons: Provided also, that in the case of any premises used in part as retail or wholesale shops or ware rooms, the said rates shall be charged (if the annual rack rental amounts to more than twenty pounds and does not exceed fifty pounds) on three fourths only of such annual rack rental, and if the rack rental amounts to more than fifty pounds upon two thirds of such annual rack rental.

Definition of annual value. **73.** For the purposes of any rates so to be taken for a supply of water, the expression "annual value" shall be deemed and taken to mean the gross estimated rental of the premises so supplied with water, and such rental shall be ascertained by reference to the valuation list in force at the time when the last demand for the water rates is made, or if there is no such list then in force by the last rate made for the relief of the poor.

Rates for waterclosets and baths. **74.** In addition to the rates for the supply of water for domestic purposes, the Company may demand and receive for every water-closet beyond the first in any premises within the limits of supply a yearly sum not exceeding eight shillings, and for every bath a yearly sum not exceeding twelve shillings.

Regulations for preventing waste of water. **75.** Subject to the provisions of this Act, the Company may from time to time, for the purpose of preventing any waste, misuser, or undue consumption or contamination of water supplied by them, or for preventing 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, by regulation to be approved by

the Local Government Board, prescribe the fittings to be used within the limits of supply, in which term fittings is included the size, nature, strength, materials, mode of arrangement, and repair of the pipes, valves, cocks, cisterns, waterclosets, and other matters connected therewith, and may by regulation to be approved as aforesaid interdict any fittings which may tend to any such waste, misuser, undue consumption, or contamination, or to the return of any such foul air or noisome or impure matter as aforesaid. A.D. 1879.

The Company shall not be bound to supply any water, unless and until the fittings by means of which such water is to be supplied are as prescribed by such regulations, and if and whenever any difference shall arise as to whether the regulations have been complied with, the difference may be referred by either party to and shall be settled by two justices.

Section 44 of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the consent of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said sections may be deducted by such occupier from any rent from time to time due by him to such owner.

76. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Company to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Act for a supply of water. Supply of water to tenements in a row.

77. The Company may from time to time supply any person, corporation, or company with water for any purposes for which no specific rates are by this Act limited for such remuneration, and upon such terms and conditions as shall be agreed upon between the Company and the corporation, person, or company desirous of having the supply: Provided always, that the Company shall not under any such agreement supply water so as to interfere with the supply for domestic purposes within the limits of water supply of this Act. Water supplied by agreement.

78. The Company may, if they think fit, enter into agreements for the supply of water by measure to any consumer; provided that the price to be charged by the Company for such supply shall not exceed one shilling and sixpence per one thousand gallons. Supply of water by measure.

79. If on any day the water supplied by the Company is of less purity than it ought to be, the Company shall in every such case be liable to a penalty not exceeding ten pounds; provided that no Penalty for impurity of water.

A.D. 1879.

penalty shall be incurred in any case in which it is proved that the defect was occasioned by an unavoidable cause or accident.

As to penalties payable by Company.

80. Where the application of any penalty payable by the Company under this Act is not otherwise provided for, one half thereof shall go to the informer and the remainder as shall be determined by the justices of the county in which the offence was committed.

Penalty for misuser of water by tenant of one of several tenements in a row.

81. Any tenant or occupier of one or of part of one of several houses supplied by a common pipe who takes or uses the water laid on by the Company to any other such house, or allows the same to be used contrary to the provisions of this Act, shall for every such offence be liable to a penalty not exceeding five pounds.

Power to sell or let meters.

82. The Company may from time to time sell and dispose of gas or water meters, and any other instruments in the nature of meters adapted to the use, consumption, or display of artificial light, and to the regulation, measurement, or computation thereof, (all which meters or other instruments are in this Act referred to and included under the term "meter" or "meters," as the case may be,) upon and subject to such terms and conditions, pecuniary or otherwise, as the Company think fit.

Company to keep meters let for hire in repair.

83. The Company shall at all times at their own expense keep all meters let by them for hire to any consumer in proper order for correctly registering the supply afforded by means of the same, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues, and they may object to or forbid the use of any meter which does not in their opinion correctly register such supply; the Company shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any meter or meters at all reasonable times.

Register of meters, &c. to be *prima facie* evidence.

84. Where gas or water is supplied by measure or other mode of calculation as in this Act provided, the register of the meter when in perfect working order shall be *prima facie* evidence of the quantity consumed by any customer of the Company in respect of which any rate, rent, or charge for a supply by measure is sought to be recovered by the Company: Provided always, that if the Company and the consumer differ as to the quantity consumed, such difference shall be determined on the application of either party by two justices, who may also order by which of the parties the cost of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Entry on premises to cut off supply in certain cases.

85. In all cases in which the Company are by this Act authorised to cut off the pipe or other means of communication, or to turn off the gas or 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 such premises between the hours of nine in the forenoon and four in the afternoon, for the purpose of cutting off or disconnecting any pipe or other instrument or apparatus by which the gas or water of the Company shall be supplied to such premises.

A.D. 1879.

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

Mode of giving notice.

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 in a registered letter addressed to him at his usual place of abode and posted forty-eight hours at least previously to such entry. If such premises be unoccupied and the owner thereof and his usual place of abode be not in England or be not known to the Company after due inquiry, 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 section 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.

87. All fittings connected with any service, gas, or water pipe to communicate with the mains and pipes of the Company which shall be provided by any person shall be placed and removed under the superintendence of the Company, and at the expense of such person.

Service pipes.

88. The Company, after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if there is no occupier then to the owner or lessee of any building or lands in which any pipe, meter, or fitting belonging to the Company is laid or fitted, and through or in which the supply of gas or water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours, may enter such buildings or lands between the hours of nine in the morning and four in the afternoon, or at any other time with the authority in writing of a justice, for the purpose of removing, and may remove every such pipe, meter, and

Power to remove meters and fittings.

A.D. 1879. fitting, repairing all damages caused by such entry or removal, and every notice required by this section 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 business in England, or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed to some conspicuous part of such building or lands.

Penalty for
injuring
meters, &c.

89. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fittings belonging to the Company, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of gas or water supplied, or fraudulently abstracts, consumes, or uses gas or water of the Company, shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence forfeit and pay to the Company a sum not exceeding five pounds, and the Company in addition thereto may recover the amount of any damage by them sustained, and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Company, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas or water supplied, the Company may also, until the matter complained of has been remedied and the amount of damages is paid, but no longer, discontinue the supply of gas or water to the person so offending, notwithstanding any contract previously existing; and the existence of artificial means for causing such injury, alteration, or prevention when such meter is under the custody or control of the consumer shall be *primâ facie* evidence that such injury, alteration, or prevention, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipe, meter, or fittings.

Security for
payment of
rents, &c.

90. Any person having or requesting to have a supply of gas or water from the Company shall if and when so required by the Company, and before he is entitled to have any service pipes, meter, or other apparatus provided and fixed, or to have a supply or further supply of gas or water, give the Company such security for the payment of one year's rent or charge for the gas or water to be supplied to him as he and the Company may agree upon, or as in default of agreement shall be determined in the manner provided by the Gasworks Clauses Act, 1871, for determining the amount of security to be given for the use of meters supplied by the Company, and the Company shall be liable to a penalty not exceeding five pounds if without reasonable cause they shall discontinue the supply

of gas or water to any person then having such supply, unless such person shall have failed to give them such security for seven days after the same shall have been demanded by the Company. A.D. 187

91. Every consumer supplied by the Company may be required to consume gas by meter to be supplied either by the Company or (if so agreed) by the consumer, and in that case to be approved by the Company. Gas consumers may be required to consume by meter.

92. If any person is required by the Company to give to them security for the payment of any rent or charge for gas or water, or for the price or rent of any meter, the Company shall, in the event of such security being a sum of money deposited with the Company, pay interest after the rate of five pounds per centum per annum on every sum deposited by way of such security during such time as the said money shall be so deposited, and such interest shall be payable half-yearly, subject, however, to the right of the Company to set off the same against any money due to the Company by or from such person. Company to pay interest on money deposited as security.

93. The Company may contract for, take, hold, and use, but only in relation to the limits of this Act, and not being exclusive, any patent rights (British or foreign), or licenses or authorities under any letters patent or concession for the use, exercise, or practice of any invention heretofore made or hereafter to be made relative to the manufacture, conversion, utilisation, or distribution of gas, or of any such materials, products, and residuals as aforesaid. Power to hold licenses under letters patent.

94. The Company may enter into and carry into effect contracts or arrangements with any corporation, local board, sanitary or other local authority, or with the trustees or any turnpike or other road or any highway board, or any surveyors of any highway, or inspectors of lighting or prison commissioners, or with any railway company, or any other companies, bodies, or persons, for the supply of gas or water by the Company within the limits of this Act for any period not exceeding under any one such contract seven years, and may vary, suspend, or rescind any contract or arrangement, and may enter into and carry into effect other contracts or arrangements in lieu thereof or in addition thereto. Contracts for supplying gas, &c. for public purposes.

95. So much of section 161 of the Public Health Act, 1875, as relates to contracts for the supply of gas shall be incorporated with this Act; and for the purposes and within the limits of this Act the words "any person" in the said section shall include and mean the Company, and the said section or so much thereof as is Applying certain provisions of 38 & 39 Vict. c. 55.

p. 1879. with this Act incorporated shall accordingly be read and have effect as if the name of the Company had been therein inserted.

power to
dispose of
superfluous
lands.

96. Subject to the provisions of this Act, and to any existing rights of pre-emption, the Company may from time to time sell, lease, exchange, or otherwise dispose of any lands now vested in them or to be acquired by them under this Act, and not required for the purposes of their undertaking or business as a water company or a gas company under the provisions of this Act, and may make, execute, and do any deed, matter, or thing proper for effectuating any such sale, lease, or exchange, or other disposition of the lands, and the money arising from any such sale shall be carried to the credit of their water capital account or gas capital account, as the case may be.

Accounts
may be
made up
half-yearly.

97. Notwithstanding anything contained in the thirty-fifth section of the Gasworks Clauses Act, 1871, the Company may make up and forward to the clerk to the rural sanitary authority at Knutsford, or other local authority referred to in that section, half-yearly statements of accounts made up to the thirtieth day of June and thirty-first day of December instead of the annual statements mentioned in the said section: Provided, nevertheless, that the said half-yearly accounts are, as near as may be, in the form and contain the particulars specified in Schedule B. to the said Act annexed.

Application
of penalties.

98. Every penalty imposed by this Act shall (except where otherwise expressly provided, and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Penalties not
cumulative.

99. Penalties imposed by the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Difference
with railway
and other
companies.

100. If any difference arises between the Company and any railway, canal, or other company, whose lands or works the Company have power to cross under the authority of this Act for the purpose of meeting the demands for gas or water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes or the facilities to be afforded for the same, such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Authenticity
of notice.

101. Any summons, warrant, demand, or notice or other such document to be issued or given for any of the purposes of this Act

may be in writing or print, or partly in writing or partly in print, and may contain in the body thereof or in a schedule thereto several names and several sums, and if the same require authentication by the Company, the signature thereto of the secretary to the Company shall be a sufficient authentication. A.D. 1879.

102. In case any person who has been supplied with gas or water by the Company, or who is liable under this Act to any payment in respect of a supply of gas or water, or of the use or repair of any meter or apparatus, or to the payment of any other rent, rate, damages, costs, expenses, or other sum due to or recoverable by the Company under this Act, fails after demand thereof in writing left upon the premises of such person by the Company, their agent or collector, to pay the amount due in respect of the supply, or of the meter, or which may be otherwise due to the Company as aforesaid, any justice, on application by the Company, shall issue his summons to the 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 the person, or in default of appearance after proof of the service of the summons, either personally, or if he cannot be found at his last known place of abode or of business, sufficient cause be not shown to the contrary, the justice shall issue his warrant of distress for the seizure and sale of the goods and chattels of the person for the recovery of the amount proved before the justice to be due from the person, with such costs of the proceedings to be settled by the justice, and including the cost of cutting off the gas or water, if the same be cut off by the Company, as the justice thinks fit and reasonable, and such costs accordingly shall be ascertained by the justice and included in the warrant of distress. Recovery
of debts
before jus-
tices.

103. All money owing to the Company for a supply of gas or water or otherwise may be recovered by them with costs in any court having jurisdiction in cases of debts of the like amount, and the remedy under this enactment shall be in addition to their other remedies for the recovery of such money. Money pay-
able to the
Company
may be
recovered.

104. In proceedings under any bankruptcy or liquidation by arrangement, or deed of composition or arrangement, the secretary of the Company, or any person appointed on his behalf, by writing under his hand may represent the Company, and shall be competent to act for the Company, and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company. Representa-
tion of the
Company in
bankruptcy
&c.

A.D. 1879.

Contracts
not to dis-
qualify for
office of
director.

105. 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 of the Company, but no director being a member of any such board, corporation, or public body shall vote on any question as to any contract with such board, corporation, or public body.

Notices to
Company
to be in
writing.

106. A notice to the Company from any consumer for the discontinuance of a supply of gas or water shall not be of any effect, unless such notice shall be in writing, and be left at the principal office for the time being of the Company.

Justices not
disqualified
by being
creditors of
Company.

107. No justice or judge shall be disqualified from acting in the execution of this Act by reason of his being a creditor of the Company, or of his being liable to the payment of any gas or water rent or charge under this Act.

Expenses of
Act.

108. 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 SCHEDULE referred to in the foregoing Act.

GAS LANDS.

A plot of land (A) forming the site of the Company's existing gasworks, containing by admeasurement $3,238\frac{1}{2}$ square yards or thereabouts, and bounded on the south-west by land belonging or reputed to belong to Mr. John Ogden, on the north-west by the plot of land (B) next herein-after described, and by land belonging or reputed to belong to Mr. Tom Cyrus Turner, and on the other sides by land belonging or reputed to belong to the Right Honourable Lord Egerton of Tatton, which said plot of land (A) is situate in the parish of Nether Knutsford otherwise Knutsford Inferior, in the county of Chester, and is now in the occupation of the limited company.

A plot of land (B) immediately adjoining the aforesaid plot (A), (the site of the existing gasworks,) and containing by admeasurement 5,356 square yards or thereabouts, bounded on the north-east by land belonging or reputed to belong to the Right Honourable Lord Egerton of Tatton, on the north-west by land belonging or reputed to belong to Caldwell Spruce and George Clarke, on the south-west by land belonging or reputed to belong to Tom Cyrus Turner, and on the south-east by the aforesaid plot (A) forming the site of the existing gasworks, which said plot of land (B) is situate in the aforesaid parish of Nether Knutsford, in the county of Chester.