



CHAPTER xci.

An Act for incorporating and conferring powers on the
Rowley Regis and Blackheath Gas Company and for
other purposes. A.D. 1886.
[25th June 1886.]

WHEREAS, in the year one thousand eight hundred and sixty-six, certain persons formed themselves into a gas company under the name of "The Rowley Regis and Blackheath Gas Company (Limited)" (hereinafter referred to as "the Limited Company") for the purpose of acquiring certain land and erecting certain gasworks, at Rowley Regis, in the county of Stafford (which includes the hamlet of Tividale and a portion of the Oakham Road, both in the parish of Rowley Regis, in the county of Stafford,) and for supplying with gas the parishes of Rowley Regis aforesaid, and Halesowen, in the county of Worcester, and such other parishes and places as the Company might from time to time determine, and generally for carrying on the business usually carried on by gas companies, and such Company was duly registered with special articles under the Companies' Act, 1862: And whereas the said hamlet of Tividale and the said portion of the Oakham Road have been for some years last past and are now also lighted by the town of Dudley Gaslight Company (hereinafter called the Dudley Company), and are within the limits of supply of the Dudley Company, as defined by the Dudley Gas Act, 1853, and it is expedient that provisions such as are in this Act contained should be made for the protection of the Dudley Company :

And whereas the present share capital of the Limited Company consists of ten thousand pounds, divided into one thousand shares of ten pounds each, and issued as ordinary capital, and seven thousand three hundred and sixty-three pounds have been paid up thereon, and the Limited Company has no mortgage debt :

And whereas the Limited Company purchased the piece of land described in the schedule to this Act, and erected gasworks thereon, and have from time to time improved and enlarged the same with

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And whereas the demand for gas in the district supplied by the Limited Company has increased, and is increasing, and it is expedient that the works of the Limited Company should be improved and their mains extended :

And whereas it is expedient that the Limited Company should be dissolved and reincorporated with further powers :

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

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

Short title. 1. This Act may be cited as the Rowley Regis and Blackheath Gas Act, 1886.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act, 1845, the Gasworks Clauses Act, 1847 ; Part I. (Cancellation and Surrender of Shares), and Part III. (Debenture Stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, are (subject to the provisions of this Act) incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, (as varied by this Act with reference to accounts) shall apply to the undertaking of the Limited Company as if the same had been authorised by this Act.

Interpretation clause. 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 Company" shall mean the Company incorporated by this Act :

The expressions "the works," "the gasworks," and "the undertaking," shall respectively mean and include the gasworks and works connected therewith by this Act vested in or 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 "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. A.D. 1886.

4. The limits of this Act shall be so much of the parish of Rowley Regis, in the county of Stafford, as is shewn upon the plan signed by Leonard Henry Courtney, the chairman of the Committee of the House of Commons, to whom the Bill for this Act was in its progress through Parliament referred, excluding the portion colored blue upon the said plan, which is now lighted by the Oldbury Local Board of Health, and including only that portion of the said parish which is edged round with yellow upon the said plan. One copy of such plan shall be forthwith deposited in the Private Bill Office of the House of Commons, and the other copy shall be lodged with the clerk of the peace for the county of Stafford. Limits of Act.

5. Notwithstanding anything in this Act contained the Company shall not within the hamlet of Tividale and a portion of the Oakham Road, both in the parish of Rowley Regis, in the county of Stafford, and which hamlet of Tividale and portion of the Oakham Road are for greater certainty shewn by a pink colour on a plan prepared in duplicate and sealed by the Company and by the Dudley Company, supply gas or exercise any of the powers by this Act conferred upon them until they shall have purchased and acquired the main pipes and apparatus for the supply of gas, all which main pipes and apparatus are in this section hereafter referred to by and included in the expression "the mains.", of the Dudley Company within the hamlet of Tividale and the said portion of the Oakham Road, and with respect to such purchase and acquisition (hereafter in this section referred to as "the purchase") the following provisions shall, within the said hamlet of Tividale and the portion of the Oakham Road, defined on the said plan as aforesaid, apply and take effect accordingly, that is to say:— For the protection of the Dudley Gaslight Company.

(a.) Until the purchase, all the rights, powers, privileges, and authorities of the Dudley Company in relation to the supply of gas, and otherwise, shall be and remain in full force and effect.

(b.) From and after the purchase, the rights, powers, privileges, and authorities of the Dudley Company, in relation to the supply of gas and otherwise, shall wholly cease and determine.

(c.) The Company may at any time after the passing of this Act, by writing under their common seal addressed and sent to the Secretary, or delivered at the principal office of the Dudley Company, require the Dudley Company to sell, and the Dudley

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Company shall thereupon sell to the Company all the mains for the supply of gas belonging to the Dudley Company then lying within the said hamlet of Tividale and the said portion of the Oakham Road, so defined as aforesaid.

(d.) The consideration to be paid by the Company to the Dudley Company for the purchase of the mains shall be in money, and shall consist of the sum of six hundred and ninety pounds.

Incorporation of Company.

6. 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 have subscribed to or who shall hereafter 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 purpose hereinafter mentioned, and shall be incorporated by the name of the Rowley Regis and Blackheath Gas 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.

7. The Company shall be established for the purpose of manufacturing and supplying gas within the limits of this Act, and for manufacturing, storing, utilizing, and distributing gas and residual products on the lands described in the schedule to this Act, and for the purpose of carrying on the business of a gas company, and generally for all purposes connected therewith and for carrying the powers of this Act into execution.

Present property of Limited Company vested in Company incorporated by this Act.

8. Subject to the provisions of this Act all the lands, gasworks, 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 the Limited Company were in anywise entitled, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, syphons, apparatus, 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 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 entered into by or on behalf of the Limited Company, 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 and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit. A.D. 1886.

9. 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 Company and the shareholders shall be exempted from all the provisions, restrictions, and requirements of any Act 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 or articles of association, 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. Memorandum and articles of association of the Limited Company to be void without prejudice to remedies for antecedent breaches thereof.

10. 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 by this Act, and such incorporation and avoidance, 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 by this Act, and this Act were not passed, would be incident to or consequent upon any and everything 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 previous rights and liabilities.

11. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, Contracts prior to Act to be binding.

A.D. 1886. — 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.

12. 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 the Limited Company, or to which the Limited 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
Limited
Company
to be in-
demnified.

13. 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 so to do) 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 Limited
Company.

14. 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.

15. All gas rents and 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.

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Recovery of
gas rents, &c.

16. 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 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 the Limited 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
passing of
Act.

17. Notwithstanding the avoidance of the said memorandum and articles of association, 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.

Certificates,
&c. to remain
in force.

18. All documents, books, and writings which, if the said dissolution and avoidance 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 dissolution and avoidance.

Books, &c.,
continued as
evidence.

19. 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.

20. 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 each share, 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 register of shareholders, required to be kept by the Companies Clauses Consolidation Act, 1845.

Present
registers of
members to
be continued.

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Capital of
Company.

21. The capital of the Company shall be ten thousand pounds, divided into one thousand shares of ten pounds each, and the Company may convert into stock the whole or any part of such capital when fully paid.

Substitution
of shares in
Company for
shares in
Limited
Company.

22. Upon the passing of this Act the several persons who immediately before the passing of this Act were the registered members of the Limited Company, shall respectively be entitled by way of substitution for the shares held by them in the Limited Company, to the like number of shares in the Company, that is to say, one share in the Company for each share in the Limited Company, and such shares shall be vested in them accordingly. Every share so vested shall be deemed to be paid up to the same extent, and no more, as the share in the Limited Company for which it is substituted, and any amount remaining unpaid upon any such shares may be called up in the same manner as if the shares were issued under the authority of this Act, and every share so vested shall be subject to the same liability for calls, and 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 share for which the same is substituted, and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same.

Company
shall call in
and cancel
the existing
share certifi-
cates and
issue new
certificates in
lieu thereof.

23. 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.

Investment
of existing
reserve fund
and applica-
tion thereof.

24. Any reserve or other 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 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 rate of dividend on the ordinary share capital or stock of the Company, and save as in this Act otherwise provided no sum shall in any year be carried by the Company to any reserve fund.

25. The Company may at any time, and from time to time after the passing of the Act borrow on mortgage of the undertaking in respect of the capital of ten thousand pounds any sum not exceeding in the whole two thousand five hundred pounds.

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Power to borrow in respect of capital.

26. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or by the issue of debenture stock, 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 such shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

27. 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, and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act, shall, subject to the provisions of any subsequent Act, rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised), and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

28. All moneys raised under this Act, whether by calls on shares or by debenture stock or borrowing, shall be applied only for the purposes of this Act to which capital is properly applicable.

Application of moneys.

29. The first ordinary meeting of the Company shall be held during the months of January or February in the year one thousand eight hundred and eighty-seven.

First ordinary meeting.

30. The quorum to constitute a general meeting, whether ordinary or extraordinary, of the Company, shall be not less than five shareholders holding themselves or as proxies in the aggregate not less than one thousand pounds nominal value in the capital of the Company.

Quorum of meetings.

31. The number of shareholders who may require an extraordinary meeting to be convened shall not be less than five holding in the aggregate not less than two thousand pounds nominal value in the capital of the Company.

Extraordinary meeting convened by shareholders.

32. At all meetings of the Company every proprietor of capital in the Company shall have one vote in respect of each whole share or of each portion of stock of the nominal amount of ten pounds in the paid-up capital of the Company held by him.

Voting.

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Auditors not
required to
hold shares.

Number of
directors.

Qualification
of directors.

First direc-
tors.

Election of
directors.

Quorum.

Power as to
maintenance
of gasworks,
&c.

33. The auditors need not hold shares in the Company.

34. The number of directors shall be five; but the Company may from time to time reduce the number to four or three.

35. The qualification of a director shall be the possession in his own right of not less than twenty shares upon which all calls shall have been paid.

36. William Clayton Barker, John Tibbetts, Zachariah Clay, Richard Harry Green, and William North, the persons who at the time of the passing of this Act are the directors of the Limited Company, 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 for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for reducing 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 nor 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.

37. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to four or three the quorum shall be two.

38. Subject to the provisions of this Act the Company may from time to time maintain, alter, enlarge, extend, improve, and renew or discontinue their existing gasworks upon the lands on which the same are erected, or any part thereof, and which are described in the schedule to this Act, and they may also from time to time maintain, alter, enlarge, extend, improve, and provide all necessary retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stop-cocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they may think proper for making and storing gas, and 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 coal, coke, lime, tar, pitch, asphaltum, ammoniacal oil and

salts, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, stoves, engines, and other articles and things in any way connected with gasworks, or with the supply of gas, as they may from time to time think fit. A.D. 1886.

39. In laying down, or executing, or in effecting the repairs and renewals of any main pipes or other works upon, across, over, under, or in any way affecting the railways, or the bridges, approaches, viaducts, stations, or other works, or any level crossing of the London and North-western Railway Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway company, and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him, and in all things by and at the expense of the Company, who shall also restore and make good the roads over any such bridges, level crossings, and approaches, which the said railway company is or may be liable to maintain, and which may be disturbed or interfered with, by or owing to any operations of the Company, and all such works, matters, and things shall be constructed, executed, and done so as not to cause any injury to such railways, bridges, level crossings, approaches, viaducts, stations, works, lands, or property, or interruption to the passage or conduct of traffic over such railways, or at any station thereon, and if any such injury or interruption shall arise from, or be in any way owing to any of the acts, matters, operations, and things aforesaid, or the bursting, leakage, or failure of any such mains, pipes, or works, the Company shall make compensation in respect thereof to the railway company, the amount of such compensation, together with full costs, to be recoverable from the Company, by all and the same means as any simple contract debt is recoverable.

For the protection of the London and North-western Railway Company.

40. Every pipe belonging to the Company for the conveyance of gas within the limits of this Act, shall hereafter be laid (if the width of the carriage way will admit thereof) at the distance of four feet at least, and in no case nearer than six inches from the nearest part of any water pipe already laid down, or hereafter to be laid down by the South Staffordshire Waterworks Company, for the conveyance of water within the limits of this Act, except when it shall be necessary to lay the gas pipe across any water pipe, in which case such gas pipe shall be laid at the greatest practicable distance therefrom, but in no case nearer than two inches, and not to cross at a socket, and shall form therewith a right angle or as nearly so as practicable, and such gas pipe shall, if the same shall be of less diameter than

For the protection of the South Staffordshire Waterworks Company.

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Power to supply gas fittings, &c. for heating, cooking, and motive power."

41. The Company may manufacture, purchase, provide, supply, sell, let for hire, use, and otherwise deal in fittings, engines, stoves, ranges, pipes, and other apparatus and appliances for lighting, for motive power, for warming and ventilation, or for cooking. Any such letting may be for such remuneration in money, and on such terms with respect to the repair of articles and fittings let, and for securing the safety and return to the Company of such articles and fittings, and otherwise as may be agreed upon between the buyer or hirer and the Company.

Power to purchase lands by agreement. Gas not to be manufactured except on lands scheduled.

42. The Company may for the purpose of their undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the schedule to this Act, any lands and hereditaments not exceeding in the whole three acres which the Company may from time to time require for the purposes of their works and undertaking, but no lands shall be used by the Company for the purposes of manufacturing gas or residual products except the lands described in the schedule to this Act.

Restriction on taking houses of labouring class.

43. The Company shall not under the powers of this Act, without the consent of the Local Government Board, purchase or acquire in any urban sanitary district, or in any parish or part of a parish, not being an urban sanitary district, ten or more houses, which, after the passing of this Act, have been, or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class, as tenants or lodgers. In this section the expression "labouring class" includes mechanics, artizans, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

Company may acquire patent rights.

44. The Company may acquire, hold, and use patent rights or licenses, not being exclusive, for the use of inventions in relation to the manufacture, distribution, or supply of gas, and also in relation

to the manufacture, conversion, or utilisation of residual products and materials arising in or resulting from the manufacture of gas. A.D. 1886.

45. 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 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, discontinue, and remove any such pipe, branch, or apparatus. Power to lay pipes against buildings.

46. The Company may make up and forward to the local authority half-yearly statements of accounts made up to the thirtieth day of June and the thirty-first day of December respectively, instead of annual statements as provided by the thirty-fifth section of the Gasworks Clauses Act, 1871, but in other respects the provisions of that section shall apply to the Company. Accounts may be made up half-yearly.

47. The Company shall supply gas to public lamps in such quantities as the local authority may in writing, under the hand of their clerk from time to time, require to be supplied, and the price to be charged by the Company, and to be paid to them for all gas so supplied to or for any such public lamps, shall never exceed the lowest price for the time being charged by the Company to any other consumer or consumers within the limits in which such public lamps shall be situated. Price of gas supplied to public lamps.

48. The gas supplied to the public lamps shall be consumed by meter or otherwise, at the option of the local authority, and in such case of its being consumed by meter, the meter shall be provided and fixed by the Company at the expense of the local authority, but neither party shall, except as hereinafter provided, be entitled to require that a meter be affixed to more than one in every ten lamps then supplied with gas under this Act, provided that the Company shall be at liberty, if they think fit, to have a meter affixed to any additional number of lamps, they providing such meters, and paying to the local authority the additional expense of providing and adjusting the lamps, lamp-posts, and other things necessary for their reception and use. Mode of consuming gas supplied to public lamps.

49. If either the Company or the local authority shall dispute the accuracy of the registration of any meter used for measuring the gas supplied to the public lamps, then such meter shall be tested in the manner provided by the Act passed in the session of As to testing accuracy of meters.

A.D. 1886. Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in the sale of gas," and if found to register erroneously, within the meaning of the said Act, or, in case any such meter shall be shown to have at any time ceased to register, notwithstanding gas may have passed through it to the burners, and notwithstanding such meter shall, on being submitted to the test, then act correctly, it shall not be deemed to be one of the meters from which the average meter indication shall be determined.

As to the
gas supplied
for public
lamps.

50. The gas supplied to any such public lamps shall be permitted to pass unrestricted to and from such self-acting regulator as may be agreed upon between the Company and the local authority for the whole of the period during which any such public lamps shall be lighted.

Contracts
for supplying
gas for public
purposes.

51. The Company may enter into and carry into effect any contract or arrangement with any local authority or the trustees of any turnpike or other road, or any highway board constituted in pursuance of any Act relating to highways in England, or the surveyors of any highway for the supply of gas by the Company for public purposes within the limits of this Act, for any period not exceeding, under any one such contract or arrangement, seven years, and may from time to time by mutual consent vary, suspend, or rescind any such contract or arrangement, or enter into, or carry into effect other contracts or arrangements in lieu thereof or in addition thereto.

Power of
Rowley
Regis Local
Board of
Health to
purchase
undertaking.

52. If the Rowley Regis Local Board of Health shall at any time desire to purchase the undertaking of the Company, and obtain the sanction of the Local Government Board so to do, and of such intention give to the Company three months' notice in writing, the Company shall, at the expiration of the said period of three months, sell and transfer their undertaking to the said local board for such price and upon such terms and conditions as may be settled by agreement between the Company and the said local board, or as, failing such agreement, may be determined by arbitration in accordance with the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation, and for the purposes of such arbitration the said provisions shall be deemed to be incorporated herewith, and in the construction of the said provisions the expressions "the promoters of the undertaking" and "lands" shall be construed to mean respectively the said local board and the undertaking of the Company, and from and after such sale of

the said undertaking to the said local board all the property real and personal, and all rights, powers, and authorities of the Company, in respect of their said undertaking, held, enjoyed, and exercisable by the Company at the time of such sale, other than and excepting powers relating to share and loan capital, and of general meetings, and of directors, or otherwise relating to the constitution or management of the Company, shall subject to all liabilities then affecting the same, be transferred to and vested in, and may be enjoyed and exercised by the said local board, as though the same had been acquired by and conferred upon the said local board instead of the Company.

A.D. 1886.

53. The Company may from time to time, subject to the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands, sell or lease any lands vested in or acquired by them, and which may not be required for the purposes of the Company.

Company
may sell or
lease lands
not required.

54. Any person having or being entitled to have a supply of gas from the Company shall, if and when so required by the Company, and before he is entitled to have any service pipes or meter provided and fixed or to have a supply or further supply of gas, give the Company such security for the payment of six months rent or charge for the gas or meter 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 they discontinue the supply of gas to any person then having a supply unless such person shall have failed for seven days after the same shall have been demanded by the Company to give them such security.

Security
for payment
of gas rents.

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

Notice to
Company to
discontinue
supply.

56. 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.

Application
of penalties.

57. The maximum price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter,

Fixing
maximum
price of gas.

A.D. 1886. shall not at any time exceed four shillings and sixpence per one thousand cubic feet.

Pressure of
gas.

58. All the gas supplied by the Company to any consumer of gas shall be supplied as to balance a column of water from midnight to sunset of not less than six-tenths of an inch, and from sunset to midnight not less than eight-tenths of an inch 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.

Quality of
gas.

59. The prescribed number of candles shall be fifteen.

Testing-
place.

60. Within six months from the passing of this Act, a testing place shall be provided at the works or office of the Company.

Burner.

61. The prescribed burner shall be Sugg's London argand burner, No. 1, with a six-inch by one and three-quarter inch glass chimney, but if at any time the gas flame rises above the top of that glass, a six-inch by two-inch chimney shall be used.

Company to
pay interest
on money
deposited
as security
for gas
meter, &c.

62. If any person is required by the Company to give to them security for the payment of the price of gas to be supplied or the rent of a meter, the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands, and such person shall be entitled on giving notice in writing to the Company to set off the sum so deposited and the interest thereon, or either of them, against any sum due to the Company in respect of the price of gas or meter rent.

Expenses of
Act.

63. All costs, charges, and expenses of and preliminary and incident 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. A.D. 1886.

The lands, hereditaments, and premises, known as "the Rowley Regis and Blackheath Gasworks," belonging to or reputed to belong to and in the occupation of the Limited Company, situate at Powke Lane, in the parish of Rowley Regis aforesaid, containing in the whole 2,552 square yards or thereabouts, bounded by the road or lane leading from Windmill End to Blackheath, and known as Powke Lane, and by the road leading from Old Hill to Blackheath, on the side and at the back by land belonging to or reputed to belong to Thomas Pargeter Jones and Richard Miller, in the occupation of the said Thomas Pargeter Jones, and on the other side, next the canal of the Birmingham Canal Navigations.

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