

[50 VICT.] *Leeds Compressed Air Power Company's* [Ch. xxxi.]
Act, 1886.



CHAPTER xxxi.

An Act to incorporate and confer powers on the Leeds
Compressed Air Power Company and for other purposes.
[25th September 1886.]

A.D. 1886.

WHEREAS the application of compressed air at Leeds for distributing motive power from one or more centres to manufactories furnaces and works and the supply of air for ventilating refrigerating or blowing furnaces and for various other purposes would be of local and public advantage:

And whereas the persons hereinafter named (with others) are willing to undertake such application and supply and it is expedient that they be incorporated into a company and that powers be conferred on them for the purpose:

And whereas the objects of this Act cannot be obtained 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:

1. This Act may be cited as the Leeds Compressed Air Power Company's Act 1886. Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and with respect to small portions of intersected lands) are (except where varied by this Act) incorporated with and form part of this Act and in construing the enactments so incorporated this Act is to be deemed the special Act. Incorporation of general Acts.

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Interpreta-
tion.

3. In this Act unless the context otherwise requires:—

“The Company” means the Company incorporated by this Act:

“The undertaking” means the undertaking authorised by this Act:

“Person” includes a corporation:

“The borough” means the borough of Leeds:

“The Corporation” means the mayor aldermen and burgesses of the borough:

“Street” includes the carriageway and footway of any street highway road or lane and any subway bridge alley footway square court or passage whether a thoroughfare or not:

“Borough engineer” means the borough engineer for the time being of the Corporation or any of his assistants for the time being or such other person or persons as shall be authorised or appointed by him to exercise and discharge the powers and duties of the borough engineer under this Act:

The word “mains” includes pipes and other apparatus:

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings Provided that the expression “superior courts” or “court of competent jurisdiction” or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorpora-
tion of Com-
pany.

4. Ernest Ibbetson David George Sandeman John Cumming Macdona and Ilford Ibbetson and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes of this Act and for those purposes shall be incorporated by the name of the “Leeds Compressed Air Power Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to acquire take hold and dispose of lands and other property for the purposes of this Act.

Capital.

5. The capital of the Company shall be four hundred and fifty thousand pounds in forty-five thousand shares of ten pounds each.

Shares not to
be issued
until one-
fifth paid.

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

7. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year on any share. A.D. 1886.
Calls.

8. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardians or committee of his estate shall be a sufficient discharge to the Company. Receipt
clause in
case of per-
sons not sui
juris.

9. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred and ten thousand pounds and of such sum the Company may borrow any sum not exceeding twenty-five thousand pounds in respect of every one hundred thousand pounds of such capital but no part of any such several sums of twenty-five thousand pounds shall be borrowed until shares for so much of the portion of capital in respect of which the borrowing powers are to be exercised are issued and accepted and one-half of such portion of capital is paid up and the Company 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 that portion of capital in respect of which the borrowing power is proposed to be exercised have been issued and accepted and that one-half of such capital has been 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 the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted and to the extent aforesaid paid up bonâ-fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns who 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 certificate shall be sufficient evidence thereof. Power to
borrow.

10. The mortgagees of the undertaking 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 two thousand pounds in the whole. For appoint-
ment of a
receiver.

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Company not to
create debenture
stock.

11. The Company shall not create and issue debenture stock.

Every mortgage
to be endorsed
with notice
of power of
purchase of
undertaking
by Corporation.

12. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the mains and plant of the Company or on the undertaking in the event of purchase by the Corporation. Provided always that this section shall not affect the rights (if any) of the mortgagees in respect of the purchase money paid to the Company.

Application
of moneys.

13. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary
meeting.

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

Number of
directors.

15. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification
of directors.

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

Quorum.

17. The quorum of a meeting of directors shall be three and if the number of directors is reduced to four or three the quorum shall be two.

Directors.

18. Ernest Ibbetson David George Sandeman John Cumming Macdona and Ilford Ibbetson with one other person to be nominated by them or the majority of them and consenting to such nomination 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 nominated as aforesaid 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 or nominated as aforesaid 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

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to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1886.

19. The Company may from time to time acquire but only by agreement and may hold and use any lands not exceeding twenty acres which they may think requisite for any of the purposes of the undertaking. Power to acquire lands by agreement.

20. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within 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. Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers 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. Defining labouring class.

21. The district of the Company for the purposes of this Act (hereinafter referred to as "the district") comprises the following wards of the borough of Leeds (namely) (1) Headingley ward that part of it which is included in No. 39 polling district (2) West ward (3) North-west ward (4) Brunswick ward (5) Mill Hill ward (6) Central ward (7) North ward that part of it which lies south of and including Harehills Lane (8) North-east ward that part of it which lies south-west of and includes Harehills Lane (9) Armley and Wortley ward (10) New Wortley ward (11) Holbeck ward (12) South ward (13) East ward (14) West Hunslet ward that part of it which is included in the polling district No. 24 (15) East Hunslet ward that part of it which lies to the north of a line drawn east and west at the White House near Woodhouse Hill all in the parish of Leeds and in the borough and the powers of the Company under this Act shall be limited to the district. District of Company.

22. Subject to the provisions of this Act the Company are hereby empowered within the district— General powers of Company.

To erect and use works engines plant and machinery of every description and to do all acts and things requisite and proper for the compression of air and for the employment and distri-

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bution of compressed air as a motive power and for supplying air for purposes of ventilation or for any other purpose ;

To supply motive power for any purpose by means of compressed air and to supply air for purposes of ventilation or any other purpose ;

To acquire hold and work any patent rights or licenses of any description which relate to the compression of air or the supply or distribution of air or to sell let or grant licenses to use the same ;

In furtherance of any of the above objects to supply fix or sell or let on hire to any person engines machinery and apparatus of every description and to enter into and carry into effect contracts and agreements and generally to do all things necessary incidental or proper to carrying into effect the objects of the Company.

Power to lay
pipes &c.
and to open
streets.

23. Subject to the restrictions and provisions of this Act and to the provisions of the Electric Lighting Act 1882 and to any license or Provisional Order granted thereunder the Company may from time to time lay down maintain alter and remove mains pipes and other apparatus in or under any street within the district and may (so far as necessary for the purposes of this section) open break up and interfere with any such street or any sewer drain gas or water pipes or telegraph telephone electric or pneumatic pipes tubes wires lines or apparatus Provided always that the Company shall not remove or alter or in any way interfere with any telegraph telephone electric or pneumatic pipes tubes wires lines or apparatus belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section fifteen of that Act apply.

Restriction
on inter-
ference with
wires &c.

24. In the exercise of the powers of interference with telegraph wires tubes lines and apparatus (not belonging to Her Majesty's Postmaster-General) conferred by this Act the Company shall be subject to the following restrictions:—

(i) They shall cause as little detriment or inconvenience as circumstances admit to the body or person to or by whom any such wire tube line or apparatus belongs or is used ;

(ii) Before they alter the position of any such wire tube line or apparatus they shall give to the body or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given

twenty-four hours at least before the commencement of the work for effecting such alteration ; A.D. 1886.

- (iii) Such work shall not be executed except under the superintendence of the body or person to whom such wire tube line or apparatus belongs unless such body or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work or discontinues the same during the work and such work shall be executed to the reasonable satisfaction of such body or person ;

In the event of any such wire tube line or apparatus being temporarily interfered with the Company shall if required by such body or person substitute and maintain another wire tube line or apparatus during the continuance of such temporary interference ;

- (iv) The Company shall pay all reasonable expenses to which such body or person may be put on account of such superintendence ;

- (v) The Company shall make good all damage done to the property of the Corporation or any other body or person by the interference therewith and shall make full compensation to all parties for any loss sustained by them in consequence of any such interference ;

- (vi) Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section fifteen of that Act apply.

25. The Company shall not without the consent of the Corporation break up any street unless and until they have proved to the reasonable satisfaction of the Corporation that shares have been issued and accepted upon which not less than fifty thousand pounds has been paid up and that they have expended thereout on land and works connected with their undertaking other than the purchase or laying of mains a sum not less than twenty-five thousand pounds.

Subscription of capital &c. before breaking up streets.

26.—(1) Seven days before commencing the execution of any work involving the breaking up or interference with any street the Company shall (except in cases of breakage and emergency as hereinafter provided) serve a notice upon the Corporation describing the proposed works together with a plan of the works showing the route proposed to be taken in laying any main the mode and position in which such works are intended to be executed and the manner in which it is intended that such street should be interfered with and shall upon being required to do so by the Corporation

As to breaking up and reinforcement of streets.

A.D. 1886. from time to time give them any such further information in relation thereto as they may desire.

(2) The Company shall not without the consent of the Corporation open or break up or keep open or broken up at any one time more than one street or a greater length than one hundred yards of any street and the Corporation may by notice to the Company prescribe the street or part of a street to be broken up or interfered with at one and the same time and may lay down conditions to be complied with by the Company as to the route to be taken in laying any main the position and levels of the mains which shall unless the Corporation otherwise direct be laid under the footway of the street as to fencing lighting and temporary works and otherwise for securing the safety of passengers and the temporary accommodation of traffic and also as to the reinstatement and making good of any street or part of a street and as to the time within which any work is to be executed in any street or any street is to be reinstated by the Company.

(3) All mains pipes and other apparatus to be laid down by the Company in or under any street shall unless the Corporation otherwise agree be laid in permanent concrete channels open with gratings at intervals to the street and shall be subject to such maximum test as the Corporation may from time to time prescribe not being more than an internal pressure of one hundred and twenty pounds to the square inch above atmospheric pressure when tested as laid in or under any street and the Company shall from time to time provide the requisite testing apparatus to the reasonable satisfaction of the borough engineer.

(4) No main when laid shall be covered over or closed against inspection until it has been first tested as aforesaid at the cost of the Company and to the satisfaction of the borough engineer.

(5) The Company shall complete all works in or interfering with any street with all reasonable speed and in all cases where the Corporation have not prescribed a period for the execution of any works within fourteen days at the most and they shall with all reasonable speed or within the respective periods aforesaid fill in the ground make good the surface reinstate the street and clear away all superfluous materials and refuse.

(6) The Company shall pay to the Corporation the expense of repairing and maintaining all streets or parts of streets opened or broken up by or for the Company after the reinstatement of the same respectively so far as such expenses are from time to time increased by the opening or breaking up of the same by them and if the Corporation or any other company or person shall subsequently

break up the same the Corporation shall have power to make such apportionment of the expenses consequent on or resulting from such breaking up as they may deem reasonable. A.D. 1886.

(7) All work in or interfering with any street shall be executed and all streets reinstated by the Company under the superintendence and to the satisfaction of the borough engineer and the Company shall pay to the Corporation the expense of such superintendence and testing as aforesaid.

(8) Before the Company open or break up any street they shall if required by the Corporation deposit with them a sum of money sufficient in the opinion of the borough engineer to defray the expense of reinstating such street and the Corporation may from time to time apply any of such moneys in payment of such expense and any deficiency shall on demand be paid to the Corporation and the surplus (if any) shall be returned to the Company.

(9) If any breakage shall occur to the mains branches service-pipes valves or other works laid in any street so as to damage the pavements or other property of the Corporation or to cause any interference or annoyance to the vehicular or foot traffic of such street then the Company shall immediately repair such breakage to the satisfaction of the Corporation and in any such case the notice to the Corporation required by this Act shall not be necessary. But if the Corporation shall themselves wish to open the streets for the purpose of the repairs consequent on any such breakage or to reinstate the pavements after such repairs shall have been executed by the Company they may do so if such repairs or reinstatement shall not then have been completed by the Company.

Upon any such breakage occurring the Company shall at once send notice thereof to the borough engineer.

(10) If any subsidence or lowering shall take place in the surface of any street such subsidence or lowering being the result of any work which has been previously executed by the Company and being in the opinion of the Corporation a case of emergency as endangering the passage along the said street the Corporation may forthwith repair the street without any notice to the Company.

27. All expenses incurred by the Corporation in and about any such repairs as aforesaid and any other expenses that may from time to time be due to them by the Company shall unless deposited as aforesaid be paid by the Company to the borough treasurer within fourteen days after they shall have received notice of the amount thereof from the Corporation together with interest thereon at the rate of five pounds per centum per annum from the date of service of such notice until payment thereof.

Expenses of repair to be repaid within fourteen days.

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Provision as
to gas and
water mains
and as to
sewers.

28. It shall not be lawful for the Company in any way to interfere with any gas or water main or pipe or any sewer or drain or any tramway electric wire or any other work belonging to or under the control of the Corporation without in every case the consent of the Corporation and then only subject and according to such terms and conditions as they may prescribe.

Corporation
may alter
mains &c.
at expense of
Company.

29. If the Corporation shall require the position or level of any mains branches service-pipes valves or other works of the Company laid in any street to be altered they may alter the same at the expense of the Company but before doing so the Corporation shall at the expense of the Company as aforesaid fix and lay other good and sufficient mains branches service-pipes valves or other works for continuing the supply of compressed air and any new mains branches service-pipes valves or other works required by the Corporation for all or any of the purposes of this section shall be supplied to them on request by and at the expense of the Company.

The Cor-
poration may
elect to
execute
works in any
street.

30. The Corporation may at any time and from time to time if they think fit elect themselves to execute for and on behalf of the Company in or under any street any works and to exercise any powers which the Company are desirous to execute or exercise in or under such street and the Corporation may require the Company to deposit a sum of money sufficient in the opinion of the borough engineer to defray the estimated expenses to be incurred by the Corporation under this section and the surplus (if any) shall be returned to the Company but in case such expenses shall exceed the amount of the deposit the Company shall on demand pay to the Corporation the deficiency.

Constant
supply of
compressed
air.

31. From and after the time when the Company commence to supply compressed air through any main they shall maintain in such main compressed air sufficient for the requirements of all persons using the same and such supply shall be constantly maintained day and night and whether any such supply is being drawn from the main or not at a pressure not less than forty-three pounds to the square inch above atmospheric pressure or at such other minimum pressure above atmospheric pressure not being less than forty-three pounds to the square inch above atmospheric pressure as the Corporation and the Company from time to time may determine (and such pressure is hereinafter in this Act referred to as the "prescribed pressure").

Company
bound to
give a supply
to persons

32. The Company shall upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of the Company give and continue to give a

supply of compressed air of the prescribed pressure And the provisions of section eleven of the Gasworks Clauses Act 1871 are hereby incorporated with this Act and in the construction of those provisions "gas" shall be deemed to mean compressed air and "undertakers" Company.

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within
twenty-five
yards of any
main.

33. The compressed air used or discharged by the Company shall so far as practicable be pure and wholesome.

Quality of
air.

34. The Company shall notwithstanding anything contained in any general or local Act adopt such means for the prevention of the escape of smoke poisonous gases or noxious vapour into the atmosphere from their boilers engines manufactories chimneys and other works as shall be from time to time reasonably required by the Corporation.

As to con-
sumption of
smoke &c.

35. Unless otherwise agreed between the Company and the consumer the Company shall supply compressed air by a meter of a kind and construction to be approved of by the borough engineer and the accuracy of which shall be tested and certified by him at the expense of the Company Such meter shall be supplied to the consumer and maintained in good order by the Company who shall be entitled to such reasonable rent for the use and maintenance of the same as shall be agreed upon or failing agreement settled by the borough engineer and the provisions of sections fifteen nineteen twenty twenty-one and twenty-two of the Gasworks Clauses Act 1871 are hereby incorporated with this Act and in the construction of those provisions "gas" shall be deemed to mean compressed air and "undertakers" Company.

Supply to be
given by
meter.

36. The Company shall fix and maintain at suitable points in connection with their mains instruments which shall record at all times the pressure in those mains and the description of instrument and its situation and suitability shall in each case be subject to the approval of the borough engineer and every such instrument and its records which shall be registered daily in a book to be kept by the Company at their principal office in the borough shall at all times be open to the examination of the borough engineer and copies of such registered records shall from time to time be furnished by the Company to him on application.

Company to
fix instru-
ment for
showing the
pressure in
mains.

37. The Company shall thoroughly consume by fire the solid combustible house refuse and combustible matter from covered-in ash places collected by the Corporation or their contractors and delivered at the Company's works such collections being from any part of the borough nearer to such works than to any destructor of

Company to
consume
refuse &c.

A.D. 1886. — the Corporation Provided always that the Company shall not be required to consume such refuse and combustible matter at a greater rate per day than thirty tons for every one thousand horse-power (or in the same proportion for any part thereof) of compressed air supplied by the Company to consumers.

Profits beyond ten per cent. to be divided between shareholders and consumers.

38.—(1) All profits of the Company after paying the reasonable expenses of maintenance salaries and other like matters and interest or dividend on loan and preference capital (if any) and beyond the amount necessary to pay a dividend of ten pounds per centum per annum on the ordinary share capital for the time being of the Company shall be applied as to one-half of such surplus as the Company shall direct and as to the other half of such surplus in a rateable reduction of the charges for compressed air supplied to consumers in the year succeeding the year in which such surplus profit shall be earned and the amount of the reduction to which each consumer is so entitled is hereinafter referred to as a rebate.

(2) The amount of any rebate may be recovered in any court of competent jurisdiction and such court may appoint an accountant or other proper person to examine the books and accounts of the Company and to report to the court what in his opinion is the proper amount of any such rebate and the costs of such accountant or person shall be paid as the court may order.

Company to furnish annual accounts.

39.—(1) The Company shall forward to the Corporation on or before the twenty-fifth day of March in each year an annual statement of accounts distinguishing capital from revenue and the expenses of maintenance salaries and other like matters made up to the thirty-first day of December then next preceding in such form and containing such particulars as the Corporation may prescribe.

(2) The Company shall keep copies of such annual statement at their office in the borough and sell the same to any person applying for the same at a price not exceeding one shilling per copy.

Not to take up any main without consent of Corporation.

40. The Company shall not except in case of urgent necessity take up any main pipe or apparatus except for the purpose of necessary repair or renewal without the consent of the borough engineer.

If Company wound up &c. mains to become property of Corporation.

41. If the Company shall be wound up or shall abandon their undertaking or cease operations in connection therewith for a period of twelve consecutive months all mains laid in or under any street shall vest in and become the absolute property of the Corporation.

42. If at any time hereafter the Corporation shall construct any subway or tube or covered way for the purpose of receiving gas water or other mains or pipes or works in any street in which the pipes of the Company are laid and shall by notice in writing served upon the Company require that the pipes of the Company shall be removed from their then position and laid in any such subway tube or covered way the Company shall consent thereto and shall pay such proportion of the expense of constructing such subway tube or covered way as may be agreed upon or shall in case of difference be settled in manner hereinafter provided and shall forthwith at their own expense proceed to remove and lay and thereafter maintain their pipes in such subway tube or covered way in such position as the Corporation by their engineer for the time being may direct and in accordance in all respects with the directions of such engineer Provided always that any difference between the parties as to the position in which any such pipes shall be laid and maintained and the proportion of expense of construction to be paid by the Company shall be settled by a referee to be appointed by the Board of Trade on the application of either party and such arbitration shall be made under and subject to the provisions of the Lands Clauses Consolidation Act 1845.

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Company to
remove pipes
laid in streets
into a sub-
way when
made.

43.—(1) At any time after the expiration of thirty years from the date when the Company first begin to supply any consumer (such date not being more than three years from the passing of this Act) the Corporation may by notice in writing require the Company to sell and thereupon the Company shall sell to the Corporation their undertaking upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale goodwill or other consideration whatsoever) of all lands buildings works materials and plant of the Company as a going concern suitable to and used by them for the purposes of their undertaking such value to be determined in case of difference by arbitration due regard being had to the nature and then condition of such buildings works materials and plant and to the state of repair thereof and the suitability of the same to the purpose of the undertaking The Company shall if required by the Corporation support an application to Parliament or to a Government department for the necessary powers to purchase the undertaking in accordance with the provisions of this section.

Corporation
may pur-
chase at the
end of thirty
years.

(2) The provisions of the Common Law Procedure Act 1854 and of any Act amending the same shall apply to an arbitration under this Act and the costs of the arbitration shall be in the discretion of the arbitrators or umpire.

- A.D. 1886. **44.** The Company shall be answerable for all accidents damages and injuries happening through the act negligence or default of the Company their contractors or servants and whether in the execution of works authorised or exercise of powers conferred by this Act.
- Company to be responsible for all damages.
- Works to be liable to rates. **45.** The works and mains of the Company shall be liable to be rated for all rates.
- Company not exempted from proceedings for nuisance. **46.** Nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them.
- Corporation may make bye-laws. **47.** The Corporation may from time to time make rescind alter or repeal bye-laws for securing the safety of the public and for the protection of the streets tramways sewers drains gas and water mains pipes and other property Provided always that the operation of such bye-laws shall be limited to acts and defaults of the Company their agents and servants and to any matter or thing arising from such acts or defaults Provided also that the provisions contained in sections 182 183 and 184 of the Public Health Act 1875 shall so far as applicable extend and apply to such bye-laws.
- No monopoly to be created. **48.** Nothing in this Act contained shall be construed to entitle the Company to any monopoly or exclusive right to supply compressed air within the borough or any part thereof.
- Costs of the Corporation to be paid by the Company. **49.** The Company shall pay to the Corporation all costs charges and expenses incurred by them in relation to the preparation and insertion of clauses in this Act for the protection and benefit of the Corporation.
- Penalty on contravention of Act. **50.** For every act or omission other than that occasioned by inevitable accident in contravention of this Act or of the requirements of any notice lawfully given to the Company by the Corporation for which no other penalty is provided the Company shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding two pounds for every day during which the contravention continues after written notice in that behalf from the Corporation.
- Recovery of expenses &c. **51.** All expenses penalties damages and sums for the payment of which the Company may be or may become liable under this Act or any bye-laws made under this Act may (without prejudice to any other remedy) be recovered summarily or by action in any court of competent jurisdiction All penalties recovered by the Corporation shall be paid to their treasurer and shall by him be carried to the credit of the borough fund.

52. Nothing in this Act shall be deemed or taken in any way to abridge or affect any powers which the Corporation possessed at the passing of this Act of breaking up or otherwise dealing with streets for the purpose of laying and maintaining gas or water mains sewers or drains subways tramways electric wires or for any other purpose whatsoever and all such powers may be exercised as if this Act had not been passed.

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General
saving for
powers of
Corporation
in relation to
streets.

53. The following provisions for the protection of tramways including the rails pavement and substructure thereof shall apply and have effect, viz. :—

For the pro-
tection of
tramways.

- (A) If and whenever the Company desire to lay down alter replace or remove any pipe main or other apparatus under or across any tramway now or hereafter to be constructed or to execute any other works which shall in any way interfere with such tramway or the traffic thereon the Company shall give seven days' previous notice in writing to the tramway company of their intention to do any such works as aforesaid and the same shall be done by and at the expense of the Company to the satisfaction of the borough engineer ;
- (B) Any temporary removal or alteration of such tramway which may in the opinion of the borough engineer be necessitated by the execution of such works as aforesaid shall be done by and at the expense of the Company and to the satisfaction of the borough engineer ;
- (C) The Company shall at all times be liable for all damage injury or interference which may be caused to such tramway or to the traffic thereon by the execution existence or maintenance of any such works of the Company as aforesaid ;
- (D) All such damages costs and expenses shall be assessed by arbitration and shall be paid by the Company on demand to the tramway company to whom the same are owing and the same may be recovered from the Company by such tramway company by all and the same means as any simple contract debt may be recovered.

54. The Company and the Corporation may from time to time enter into and carry into effect agreements with respect to the execution under the powers of this Act of any works affecting the public streets.

Agreements
with Cor-
poration.

55. The Company may take and receive in respect of compressed air supplied by them and of the supply of air for ventilation or any other purpose and in respect of the use of any engine plant machinery or apparatus and of any patent or other rights and of any other

Charges by
Company.

A.D. 1886. — services rendered such charges and sums as may be from time to time agreed on :

Provided that every person entitled to demand a supply of compressed air shall be entitled to such supply on the same terms as any other person is entitled under similar circumstances to a corresponding supply and the Company shall not in making any agreements for a supply of compressed air show any undue preference to any person.

Bye-laws by Company.

56. The Company may from time to time make alter and repeal bye-laws for preventing the abstraction waste or misuse of compressed air supplied by them and may attach to the breach of any such bye-laws penalties not exceeding five pounds for any single offence but such bye-laws shall not be of any force until they have received the approval of the Board of Trade.

Entry for examination of machinery &c.

57. The Company may by their agents officers servants and workmen at all reasonable hours enter any lands or buildings supplied with compressed air for the purpose of examining repairing or replacing any engines machinery meters or other apparatus supplied or let by them making reasonable compensation to all persons injured by the exercise of the powers of this section.

Recovery of charges &c.

58. All charges rates and sums payable to the Company and all penalties under this Act or any bye-law made under this Act may be recovered either before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts or by action in any court of competent jurisdiction.

Company not exempt from provisions of general Acts.

59. Nothing in this Act shall exempt the Company from the provisions of any general or local Act for the improvement of the sanitary condition of towns or the abatement of nuisances now in force or which may hereafter pass or from any enactments which may be hereafter from time to time made by Parliament for limiting the maximum dividends to be declared and paid by the Company and for restricting the powers of the Company to convert borrowed money into capital and for fixing and revising the rates and tolls to be received by the Company and for giving all persons and corporations the right to avail themselves of the several works and appliances of the Company on payment of such rates and tolls without preference or favour.

For the protection of the London and North-western Great North-

60. In laying down or executing or in effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the lands or property now or hereafter belonging

wholly or partly to or used or occupied by the London and North-western Railway Company or the Great Northern Railway Company or the North-eastern Railway Company (in this section referred to respectively as "the railway company") or the bridges approaches viaducts stations or other works of the railway company or in any street where the same is crossed on the level by the railways or sidings of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him and by and at the expense of the Company who also shall restore and make good the roads over any bridges level crossings and approaches which the railway company are 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 and operations and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railways bridges 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 in any way be owing to any of the works operations and matters aforesaid or to the bursting leakage or failure of any such mains pipes or works the Company shall make compensation to the railway company in respect thereof the amount of such compensation together with full costs to be recoverable by the railway company from the Company by all and the same means as any simple contract debt is recoverable Whenever the Company shall commence any of the works by this Act authorised crossing or in any way affecting the said railways works or lands of the railway company they shall proceed with and complete the same with all due despatch.

A.D. 1886.
ern and
North-east-
ern Railway
Companies.

61. Nothing in this Act contained shall take away lessen prejudice alter abridge or affect any of the rights privileges property powers or authorities of the Corporation.

General
saving for
powers of
Corporation

62. It shall not be lawful for the Company without the written consent of the Corporation to enter into any agreement with any other motive power company as to the supply of motive power or as to the price to be charged therefor within the borough or to amalgamate their undertaking or make application to Parliament or to any department of the Government for powers to amalgamate their undertaking with that of any other undertaking

Company
not to amal-
gamate &c.

A.D. 1886. established or to be established for the like or similar purposes
— within the borough.

Expenses of
Act.

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

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