



CHAPTER xcii.

An Act for incorporating and conferring powers on the Cumberland Electricity and Power-Gas Company and for other purposes. A.D. 1906.
[20th July 1906.]

WHEREAS the erection of generating stations and works as hereinafter provided and the supply therefrom of electrical energy within the area of supply hereinafter defined and the manufacture and supply of power-gas for the purposes of motive power and heating but not of illumination within the same area would be of public and local advantage :

And whereas the persons in this Act named with others are willing at their own expense to construct such stations and works and undertake such generation manufacture and supply and it is expedient that they should be incorporated into a company (in this Act called "the Company") and that powers should be conferred on them for that purpose and for acquiring lands for the stations and works and generally for carrying out the objects and provisions of this Act :

And whereas plans describing the lands to be taken or used compulsorily for the purposes of this Act with a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Cumberland and are in this Act referred to as the deposited plans and book of reference :

And whereas the purposes 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 King's most Excellent Majesty by and

A.D. 1906. 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:—

Short title. 1. This Act may be cited as the Cumberland Electricity and Power-Gas Act 1906.

Application of Electric Lighting Acts and Gasworks Clauses Acts. 2. This Act shall be deemed to be a special Act within the meaning of the Gasworks Clauses Acts 1847 and 1871 and the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Clauses) Act 1899 but sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the undertaking by this Act authorised or to the Company in respect thereof. The provisions of section 14 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to the laying down and placing of cables and other works in through on under along or across the bed and foreshore of any river.

Division of Act into Parts. 3. This Act is divided into Parts as follows:—

- Part I.—Preliminary.
- Part II.—General Purposes Lands &c.
- Part III.—Supply of Electrical Energy.
- Part IV.—Supply of Power-Gas.
- Part V.—Capital.
- Part VI.—Meetings and Appointment of Directors.
- Part VII.—Protective Provisions.
- Part VIII.—Miscellaneous.

PART I.

PRELIMINARY.

Incorporation of Acts. 4. The following Acts and portions of Acts (so far as they are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say):—

The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts:

The Lands Clauses Acts:

The Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers and except any provisions which relate exclusively to the supply of gas for lighting purposes) and the Gasworks Clauses Act 1871 (except sections 11 and 12 and sections 24 to 33 and sections 35 and 36 and the Schedules):

A.D. 1906.

And the provisions of the Schedule annexed to the Electric Lighting (Clauses) Act 1899 except the following provisions (that is to say):—

Section 2 subsection (2) sections 3 5 to 9 21 to 29 30 (so far as regards supply in bulk) 31 to 37 41 48 60 63 to 68 75 and 78 and the sections and provisions so excepted from incorporation shall not apply to the undertaking under this Act or to the Company in relation to the undertaking and section 81 of the said Schedule shall not apply to any generating station or works erected on any of the lands described in the First Schedule to this Act.

5. The provisions of section 13 of the Electric Lighting Act 1882 and of section 12 of the Schedule to the Electric Lighting (Clauses) Act 1899 in so far as they restrict the breaking up of tramways or railways where laid across or along any highway on the level or of the roadway of or approaches to any bridge over any railway within the area of supply shall not apply to the Company.

Railway and tramway crossings.

6. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act—

Interpretation.

“The Company” means the Company incorporated by this Act who shall for the purposes of this Act be the undertakers within the meaning of the principal Acts;

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

“The Electric Lighting Acts” means the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Clauses) Act 1899;

A.D. 1906.

“Power-gas” means any gas suitable for the purposes of motive or other power heating or any other purpose to which such gas can be applied except illumination;

“Local authority” means with respect to each part of the area of supply the local authority for that part;

“County council” means the county council of Cumberland;

“Authorised distributor” means any local authority company body or person authorised by Provisional Order confirmed by Parliament to give a general supply of electrical energy within any part of the area of supply as defined by this Act;

“Authorised undertaker” means—

(1) Any authority authorised by any general or special Act to undertake or contract for the lighting of streets bridges or public places within any part of the area of supply as defined by this Act;

(2) Any authorised distributor as defined by this Act;

“Plan” means a plan drawn to a horizontal scale of at least one inch to eighty-eight feet or to the scale of the largest Ordnance Survey map published for the district and where necessary a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet or to such other scale as the Board of Trade may approve of for both plan and section together with such detail plan and sections as may be necessary.

Company in-
corporated.

7. Arnold Lupton William Frederick Smith Joseph Thomas Pullon Wilfrid Hine Alfred Hine Thomas Smith Ritson John Highet Richard Williamson Robert Hardy Williamson Joseph Huntrods Thomas Edward George Marley 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 hereinafter mentioned and for those purposes shall be and are hereby incorporated by the name of “The Cumberland Electricity and Power-Gas Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

PART II.

A.D. 1906.

GENERAL PURPOSES LANDS &C.

8. Subject to the provisions of this Act the Company may generate use sell supply and distribute electrical energy and manufacture prepare use supply sell and distribute power-gas and manufacture sell and deal in any bye-products or residuals of power-gas and may erect acquire lay down improve maintain let or dispose of any buildings works machinery pumps plant vessels producers retorts dynamos engines fittings mains pipes wires and other apparatus which may be necessary or useful for those purposes or any of them and may acquire and work any patents relating to the generation storage supply production measurement transformation and distribution of electrical energy or power-gas or grant licences to use the same and generally may do all such acts and things as may be necessary or useful for or incidental to the purposes aforesaid and the carrying into effect of the purposes of this Act.

General purposes of Company.

9. The Company may subject to the provisions of this Act enter upon take hold and use the lands or any part or parts thereof in the county of Cumberland shown on the deposited plans and described in the deposited book of reference and in the First Schedule to this Act and may use those lands or any portion thereof and any other lands for the time being belonging to them for the erection establishment and maintenance of a station or stations for generating electrical energy and manufacturing purifying or preparing power-gas and converting any materials or residual products arising from or in the process of the generation manufacture or treatment of electrical energy or power-gas and for all or any of the purposes of this Act Provided that the Company shall use efficient silencers in connection with all gas engines worked by them on any of the lands described in the First Schedule to this Act Provided also that the Company shall not be exonerated from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands (other than the lands described in the First Schedule) on which any such generating station may be constructed.

Lands for generating stations and other purposes.

10. Subject to the provisions of this Act the Company may within the area of supply manufacture acquire maintain and use and sell let on hire and otherwise dispose of electric power-gas

Storage and distributing works.

A.D. 1906. and other mains storage and other batteries dynamos producers accumulators cables conductors service wires tubes pipes insulators meters distributing cut-out and other boxes switches transformers fittings motors and other apparatus for producing transmitting storing measuring regulating and distributing electrical energy or power-gas for public and private purposes or for converting the same into motive power heat or otherwise but as regards power-gas not for illumination and any other machinery apparatus and appliances necessary or useful for any of the purposes of this Act.

Errors and omissions in plans &c. may be corrected by two justices.

11. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Cumberland for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Cumberland and a duplicate thereof shall also be deposited with the town clerk of any borough or with the clerk of any district council in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Power to acquire easements.

12. The Company may subject to the provisions of this Act enter upon pass over and use at all times and may erect lay down maintain use repair remove alter examine test and inspect cables wires posts poles brackets conduits mains pipes tubes coverings apparatus and other conveniences and appliances in under over and along the accommodation road in the parish of Ellenborough and Ewanrigg in the urban district of Maryport part of the plot numbered 24 on the 25-inch scale Ordnance map Cumberland sheet XLIV. 8 (second edition 1900) leading from the main road from Maryport to Workington under the London and North Western

Railway to the Solway Iron Works and the Company shall have access at all times into through and over such road and the Company may break up and open the site and soil of the said road for all or any of the purposes aforesaid: A.D. 1906.

Provided that the Company shall make to the owners lessees and occupiers and other parties having any estate or interest in such road compensation for the right or easement of so erecting laying down using maintaining and repairing such cables wires posts poles brackets conduits mains pipes tubes coverings apparatus and other conveniences and may give notice to treat in respect of such right or easement and the provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to the purchase of such right or easement as if such purchase were a purchase of land within the meaning of such Acts.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.

14. In addition to the other lands which the Company are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of their undertaking any lands not exceeding fifty acres. Power to purchase lands by agreement.

15. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act. Period for compulsory purchase of lands.

16.—(1) It shall be lawful for the Company within the area of supply to lay down maintain repair alter and use pipes for conveying water and any materials matters or things used by them in or resulting from the process of generating or transforming electrical energy or of treating or manufacturing power-gas to or from any generating transforming treating or manufacturing station of the Company and the provisions of the Waterworks Clauses Power to lay down pipes for water &c.

A.D. 1906. Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes.

(2) Where any pipe to be laid by the Company under the powers of this section crosses over or under or is situate within three feet of any main pipe or other work of any company or authority supplying water or gas the same shall be laid down under the superintendence and to the reasonable satisfaction of the engineer of that company or authority as the case may be.

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

17. Subject to the provisions and restrictions of this Act and of the Acts incorporated herewith the Company may lay place maintain alter and remove mains pipes wires and other apparatus connected with the supply of electrical energy or power-gas in or under any street and any railway tramway or canal when and where such railway tramway or canal crosses any street within the area of supply and may (so far as necessary for the purpose of this section) open break up and interfere with any such street railway tramway or canal or any sewer or drain or any gas or water mains or pipes or any electric pneumatic or other wires lines tubes pipes or apparatus :

Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section :

Provided also that the Company shall not in any way interfere with any electric pneumatic or other wires lines tubes pipes or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Provision for inspection by Company of plans of sewers mains pipes &c.

18. The Company may give to any local authority or company owning or controlling any sewer drain watercourse gas or water mains or pipes or any electric pneumatic or other wires lines tubes pipes or apparatus in or under any street within the area of supply in or under which the Company may desire to lay or place mains pipes or apparatus written notice requiring such local authority or company to produce for the inspection of the Company by their authorised officer any plans and sections in their possession showing the situation of every such sewer drain watercourse gas or water main or pipes wires lines tubes and

[6 EDW. 7.] *Cumberland Electricity and Power-Gas* [Ch. xcii.]
Act, 1906.

apparatus as may belong to or be controlled by them respectively and every such local authority or company shall comply with the notice within one week from the date thereof and the Company by such officer may take copies of such plans and sections All expenses properly incurred by any such local authority or company under this section shall be paid by the Company. A.D. 1906.

19.—(1) Any mains pipes electric lines wires or other apparatus laid down by the Company under the powers by this Act granted under any street shall be laid in such line or route and in a trench of such dimensions and in such position as may be agreed between the Company and the local authority or as failing agreement shall be settled by the Board of Trade as hereinafter provided and the Company shall show on the plan of the works to be served on such local authority in accordance with the provisions of this Act and of the enactments incorporated with this Act the route proposed to be taken and the dimensions and position of the proposed trench. As to route for mains and pipes.

(2) Where the local authority affected object to any proposed line or route on the ground that it would traverse the principal thoroughfares or busy streets of such local authority or be otherwise inconvenient and indicate an alternative route or deviation which in the opinion of the Board of Trade is reasonable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted :

Provided nevertheless that the provisions of this subsection shall not take away or prejudicially affect the rights of the Postmaster-General under section 14 of the Schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply in respect of such alternative route or deviation.

(3) The reasonable and proper costs charges and expenses incurred by any local authority in relation to any reference to the Board of Trade under this section shall unless the Board of Trade shall certify that the action of the local authority in the matter has been unreasonable be paid by the Company.

(4) In the application of this section to a street or part of a street which is repairable by the county council a reference to the county council shall be substituted for the local authority.

20.—(1) The consent of a local authority to the placing of electric lines above ground under section 14 of the Electric Lighting Act 1882 and paragraph (B) of section 10 of the Schedule Overhead wires.

A.D. 1906. — to the Electric Lighting (Clauses) Act 1899 shall not be unreasonably withheld and if any question arises whether that consent is unreasonably withheld or not that question shall be decided by the Board of Trade.

(2) In the application of section 14 of the Electric Lighting Act 1882 to any street or bridge or part of a street or bridge which is repairable by the county council a reference to the county council shall be substituted for a reference to the local authority.

Area of supply.

21. The area within which the Company may supply electrical energy and power-gas (in this Act called "the area of supply") shall be the boroughs of Workington and Whitehaven the urban districts of Aspatria Maryport Cockermouth Harrington Arlecdon and Frizington Cleator Moor Egremont and Keswick and the rural districts of Cockermouth and Whitehaven all in the county of Cumberland.

PART III.

SUPPLY OF ELECTRICAL ENERGY.

Conditions affecting supply.

22. The powers of the Company for the supply of electrical energy under this Act shall be subject to the following provisions :—

(1) Electrical energy shall be supplied under this Act only--

(A) To authorised undertakers ; and

(B) To persons requiring a supply for power :

(2) The electrical energy supplied to any authorised undertaker may be used for any public or private purpose for which such undertaker is authorised to use the same and the electrical energy supplied to any person for power may be used by such person for lighting any premises on any part of which the power is utilised Provided that where electrical energy is supplied to any person for power within the area of supply of any authorised distributor the energy used by such person for such lighting purposes shall not in any year except with the consent in writing of the authorised distributor exceed the amount of energy used by such person for power and save as aforesaid and unless the Company under the provisions of this Act themselves

become undertakers for the purposes of any Provisional Order under the Electric Lighting Acts the Company shall not supply electrical energy for lighting purposes: A.D. 1906.

- (3) The Company shall not supply electrical energy (except to authorised undertakers or to any railway tramway tramroad or water company or proprietors or trustees of any canal harbour dock or navigation for power) in any area which at the date of the passing of this Act forms part of the area of supply of any authorised distributor without the consent of such distributor which consent shall not be unreasonably withheld:
- (4) If any question arises as to whether the consent of any authorised distributor is unreasonably refused or withheld that question shall be determined by the Board of Trade. The consent shall be deemed to be unreasonably refused or withheld if such authorised distributor is not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time and in considering what are reasonable terms and what is a reasonable time the Board of Trade shall amongst other things have regard to the terms upon which and the time within which the Company are willing and in a position to give the supply:
- (5) If at any time after the passing of this Act any local authority becomes an authorised distributor in any area within the area of supply the Company shall be subject to any provisions which may be made by the Provisional Order under which the distributor becomes authorised as to the taking over of any supply then given by the Company for use exclusively within the area of supply of the distributor or otherwise as to the powers of the Company to supply within that area and such provisions may be made in any such Provisional Order under the Electric Lighting Acts:
- (6) Any railway tramway tramroad or water company or the proprietors or trustees of any canal harbour dock or navigation receiving a supply of electrical energy shall not use the said energy in such manner as to cause or be likely to cause any interference with telegraphic communication by means of any telegraphs belonging to or used by the Postmaster-General but this subsection shall not apply to any such company proprietors

A.D. 1906.

or trustees who are authorised to use energy by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such telegraphs.

Company to furnish supply of electrical energy to authorised undertakers within area of supply.

23. The Company shall upon being required to do so by any authorised undertaker give and continue to give at such point or points within the area of supply as the authorised undertaker may reasonably require a supply of electrical energy at a price not exceeding the prices stated in the Second Schedule to this Act and shall furnish and lay such electric lines as may be necessary for the purpose of supplying to such authorised undertaker at such point or points the maximum power with which such authorised undertaker may be entitled to be supplied under this Act subject to the conditions following (that is to say):—

Every such authorised undertaker requiring a supply of electrical energy shall—

Serve a notice upon the Company specifying the point or points at which such supply is required to be given and the maximum power required to be supplied and the day upon which such supply is required to commence (not being an earlier day than a reasonable time after the date of the service of such notice having regard to the situation of the district and to the length of electric line required to be laid and plant required to be erected for affording such supply); and .

Enter into a written contract with the Company (if required by them so to do) to continue to receive and pay for a supply of electrical energy for a period of at least seven years of such an amount that the payment to be made for the same shall not be less than twenty pounds per centum per annum on the outlay (excluding expenditure on any generating plant and electric line then erected or laid) incurred by the Company in making provision for such supply :

Provided that any authorised undertaker (other than a local authority) so requiring a supply of electrical energy shall give to the Company (if required by them to do so) security for the payment of all moneys which may become due to the Company under such contract :

Provided further that the Company shall grant to every authorised undertaker as favourable terms and conditions for

the supply of electrical energy as those granted by the Company to any other authorised undertaker whose circumstances are similar. A.D. 1906.

If any difference arises under this section such difference shall be determined by a single arbitrator to be appointed on the application of either party by the Board of Trade.

24. The prices to be charged by the Company to authorised undertakers for electrical energy shall not exceed those respectively stated in that behalf in the Second Schedule to this Act but nothing in this section or in the principal Acts shall prevent the Company from making any agreements as hereinafter provided. The Company shall charge according to section I. of the said Schedule unless the authorised undertaker in the notice requiring the Company to give a supply request to be charged in accordance with section II. of the said Schedule. Stated prices for electrical energy.

25. The Company shall give a supply of electrical energy to any person other than an authorised undertaker who requires a supply which may be given by this Act upon that person entering into a binding agreement to take and continue to receive and pay for a supply of electrical energy upon such terms as failing agreement shall be fixed by a single arbitrator appointed by the Board of Trade and in fixing such terms (including a minimum annual sum to be paid to the Company) the arbitrator shall have regard to the following amongst other considerations:— As to supply to other than authorised undertakers.

- (1) The period for which the person to whom the supply is to be given is prepared to bind himself to take electrical energy:
- (2) The amount of electrical energy required and the hours during which the Company can be called upon to supply such electrical energy:
- (3) The capital expenditure in connection with the supply of such electrical energy:
- (4) How far capital expended in connection with such supply may become unproductive to the Company upon the discontinuance of such supply:

Provided that any person so requiring a supply of electrical energy shall give to the Company (if required by them so to do) security for the payment of all moneys which may become due to the Company under such contract:

Provided further that the Company shall grant to every person as favourable terms and conditions for the supply of electrical

A.D. 1906. energy as those granted by the Company to any other person whose circumstances are similar.

Notice of discontinuance of supply of electrical energy.

26. Any authorised undertaker or person supplied with electrical energy by the Company under this Act who is desirous of discontinuing to receive such supply shall give to the Company twelve months' notice in writing of their desire. Such notice may be given so as to expire at the end of the period for which such undertaker or person has contracted to receive and pay for such supply or at any subsequent date.

Maximum power.

27. The maximum power with which any authorised undertaker or person shall be entitled to be supplied shall be of such amount as they may require to be supplied with and which the Company are in a position to supply not exceeding what may be reasonably anticipated as the maximum consumption.

If any difference arises between any such authorised undertaker or person and the Company as to what may be reasonably anticipated as the consumption of such authorised undertaker or person such difference shall be determined by a single arbitrator to be appointed by the Board of Trade.

Appointment of electric inspectors.

28.—(1) The Board of Trade may on the application of the Company or of any authorised undertaker or person to whom the Company is supplying electrical energy under this Act appoint and keep appointed one or more competent and impartial person or persons to be an electric inspector or electric inspectors under this Act and the Board of Trade may prescribe the fees to be taken by any such inspector and those fees shall be accounted for and applied as may be directed by the Board of Trade.

(2) The Company shall whenever reasonably required by any local authority through whose district any trunk main is laid test and furnish a record of the testing of the portion of main within their district and in case the Company fail to comply with the provisions of this subsection any such local authority may apply to the Board of Trade to appoint an inspector for the purpose of testing such main and the foregoing provisions of this section shall apply to the appointment of such inspector and the Company shall pay the cost of such testing.

As to application for Provisional Orders.

29. Nothing contained in this Act shall prevent the Company from applying and the Company may apply for Provisional Orders under the Electric Lighting Acts 1882 and 1888.

30.—(1) The Company may by agreement (but not otherwise) acquire from any undertakers to whom a Provisional Order under the Electric Lighting Acts 1882 and 1888 shall have been or may be granted relating to a district or place within the Company's area of supply the undertaking authorised by such Provisional Order and the powers rights authorities and privileges of the undertakers under such Provisional Order and any such undertaker to whom a Provisional Order has prior to the date of the passing of this Act been granted (whether such Order has been confirmed before or shall be confirmed after such date) may with the approval of the Board of Trade transfer their undertaking powers rights authorities and privileges to the Company on such terms and conditions as may be agreed upon and in the event of the Company so acquiring such undertaking powers rights authorities and privileges they shall be deemed to be the undertakers for all the purposes of the Provisional Order so acquired by them and the provisions of such Provisional Order shall apply to the supply of electrical energy by the Company within the area of supply as defined by such Order Provided that—

A.D. 1906.
Transfer of
electric
lighting un-
dertakings to
Company.

(A) In the event of the Company acquiring from any local authority or other undertakers any Provisional Order within the area of supply they shall be allowed to charge for electrical energy (except for use as power) given under such Order such rates as any such Order prescribes ;

(B) In the case of any Provisional Order granted before the year one thousand nine hundred to any undertakers the provisions of the Electric Lighting (Clauses) Act 1899 shall from and after such transfer be deemed to have been incorporated with such Provisional Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith ; and

(C) None of the provisions of any Provisional Order so acquired by the Company or of the Electric Lighting Acts 1882 and 1888 shall extend to authorise the purchase by any undertakers of any generating station or other works of the Company used or required for the purposes of supplying any other portion of the Company's area of supply.

(2) Any capital moneys received by any local authority in respect of any transfer under this section shall be applied by

A.D. 1906. — such authority in manner provided by subsection (2) of section 7 of the Schedule to the Electric Lighting (Clauses) Act 1899.

(3) In the event of any Provisional Order and the undertaking thereby authorised being acquired by the Company under this section the provisions of the Electric Lighting Act 1888 shall subject to any provisions contained in any such Order apply to that undertaking and when the undertakers are a local authority the undertaking shall be deemed to be within the provisions of section 2 of the Electric Lighting Act 1888 Provided that the periods at which the local authority may under the provisions of the said section repurchase the undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Company.

PART IV.

SUPPLY OF POWER-GAS.

Obligation
of Company
to supply
power-gas

31. The Company shall on being required so to do by the owner or occupier of any premises situate within the district of any local authority in which the Company has gas mains give and continue to give a supply of power-gas to such premises for any of the purposes for which the Company are authorised to supply power-gas and they shall furnish and lay any pipe that may be necessary for such purpose subject to the conditions following (that is to say):—

Every owner or occupier of premises requiring a supply of power-gas shall—

Serve a notice upon the Company at their office specifying the premises in respect of which such supply is required the maximum rate of such supply and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Company (if required by them so to do) to receive and pay for a supply of power-gas for a period of at least five years sufficient at the rates agreed upon to pay twenty per centum per annum upon the cost specially incurred by the Company in laying or enlarging their mains or pipes for the purpose of such supply:

Provided that any person so requiring a supply of power-gas shall give to the Company (if required by them so to do) security for the payment of all moneys which may become due to the Company under such contract. A.D. 1906.

32. Where the exercise of any of the powers of the Company in relation to the execution of any works in regard to power-gas will involve the placing of any works in under along or across any public street or public bridge the following provisions shall have effect:—

Notice of works with plan to be served on Postmaster-General and local authority.

- (A) One month before commencing the execution of the works (not being repairs renewals or amendments of existing works of which the character and position are not altered) the Company shall serve a notice on the Postmaster-General and the local authority describing the proposed works together with a plan of the works showing the mode and position in which the works are intended to be executed and the manner in which it is intended that the street or bridge or any sewer drain or tunnel therein or thereunder is to be interfered with and shall upon being required to do so by the Postmaster-General or the local authority give them any such further information in relation thereto as they desire;

No part of the month of August shall be included in calculating the above-mentioned period of one month:

- (B) The Postmaster-General or the local authority may in their discretion approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove them and may give notice of that approval or disapproval to the Company:
- (C) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Company are dissatisfied or disapprove any such works or plan the Company may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow the appeal and may approve any such works or plan subject to such amendments or conditions as they may deem fit or may disapprove them:

A.D. 1906.

- (D) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Company within one month after the service of the notice and plan upon them they shall be deemed to have approved the works and plan :
- (E) Notwithstanding anything in this Act the Company shall not be entitled to execute any such works as above specified except so far as they may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority or by the Board of Trade as above-mentioned but where any such works description and plan are so approved or deemed to be approved the Company may cause those works to be executed in accordance with the description and plan subject in all respects to the provisions of this Act :
- (F) If the Company make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the Company shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable under the circumstances :
- (G) In this section the expression "public street" means a street dedicated to the public use and the expression "public bridge" means a bridge carrying a street dedicated to the public use :
- (H) In the application of this section to a public street or public bridge or part of a public street or public bridge which is repairable by the county council a reference to the county council shall be substituted for a reference to the local authority :

(I) Nothing in this section shall exempt the Company from any penalty or obligation to which they may be liable under this Act or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the works of the Company. A.D. 1906.

33. Where the exercise of the powers of the Company in relation to the execution of any works in regard to power-gas will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority including the county council and any bridge carrying the same on over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

As to streets not repairable by local authority railways tramways and canals.

(A) One month before commencing the execution of the works (not being repairs renewals or amendments of existing works of which the character and position are not altered) the Company shall serve a notice on the body or person (if any) liable to repair the street or bridge or part of a street or bridge or the body or person for the time being entitled to work the railway or tramway or the owners of the canal (as the case may be) in this section referred to as "the owners" describing the proposed works together with a plan of the works showing the mode and position in which the works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they desire:

(B) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof:

(C) Within three weeks after the service of any such notice and plan on any owners those owners may if they think fit serve a requisition upon the Company requiring that any question in relation to the works or to compensation in respect thereof and any other question arising upon the notice or plan shall be settled by arbitration and thereupon that question unless settled by agreement shall be determined by arbitration accordingly:

A.D. 1906.

- (D) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of the street railway tramway or canal and may if he thinks fit require the Company to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible :
- (E) Where no such requisition as aforesaid is served on the Company or where after any such requisition has been served on them any question required to be settled by arbitration has been so settled the Company may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend them (provided that their character and position are not altered) but subject in all respects to the provisions of this Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been determined by arbitration as hereinbefore mentioned or as may be agreed between the parties :
- (F) All works to be executed by the Company under this section shall be carried out to the reasonable satisfaction of the owners and those owners shall have the right to be present during the execution of the works :
- (G) When the repair renewal or amendment of any existing works (of which the character or position is not altered) will involve any interference with any railway or with any tramway or canal over or under which those works have been placed the Company shall unless it is otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect the repair renewal or amendment and the owners shall be entitled by their officer to superintend the works the reasonable cost of such superintendence to be paid by the Company to the owners and the Company shall conform to such reasonable requirements as may be made by the owners or that officer :

(H) If the Company make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the Company shall not be liable to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable in the circumstances. A.D. 1906.

34. Any local authority body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Company are empowered to break up for the purposes of this Act may if they think fit serve a notice on the Company stating that they desire to exercise or discharge all or any part of any of the powers and duties of the Company as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of that local authority body or person and may amend or revoke any such notice by another notice similarly served. Street authority &c. may give notice of desire to break up streets &c. on behalf of Company.

Where any such local authority body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Company then so long as that notice remains in force the following provisions shall have effect unless it is otherwise agreed between the parties interested:—

(A) The Company shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge those powers or duties and the givers of the notice have refused or neglected to comply with that requisition as hereinafter provided or in cases of emergency:

A.D. 1906.

- (B) In addition to any other notices which they are required to give under the provisions of this Act the Company shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition on the givers of the notice stating the time when that exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged :
- (C) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Company subject to the like restrictions and conditions so far as they are applicable as the Company would themselves be subject to in that exercise or discharge :
- (D) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with the requisition the Company may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice :
- (E) In any case of emergency the Company may themselves proceed at once to exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in that case the Company shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice :
- (F) If the Company exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable for each offence to a penalty not exceeding

ten pounds and to a daily penalty not exceeding five pounds Provided that the Company shall not be subject to any such penalties as aforesaid if the court are of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable in the circumstances : A.D. 1906.

- (a) All expenses properly incurred by the givers of the notice in complying with any requisition of the Company under this section shall be repaid to them by the Company and may be recovered summarily :
- (b) The givers of the notice may if they think fit require the Company to give them such security for the repayment to them of any expenses to be incurred by them under this section as may be agreed upon between them and the Company or in default of agreement as may be determined by arbitration If the Company fail to give any such security within seven days after being required so to do or in case of difference after the delivery of the arbitrator's award they shall not be entitled to serve any further requisition upon the givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given :

Provided that nothing in this section shall in any way affect the rights of the Company to exercise or discharge any powers or duties conferred or imposed upon them by this Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

35. The Company may alter the position of any mains pipes wires or apparatus being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers in regard to power-gas and any local authority body or person may in like manner alter the position of any mains or pipes of the Company being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in that local authority body or person in relation to that street or

As to alteration of pipes wires &c. under streets.

A.D. 1906. — place subject to the following provisions unless it is otherwise agreed between the parties interested:—

- (A) One month before commencing any such alteration the Company or the local authority body or person (as the case may be) in this section referred to as "the operators" shall serve a notice on the local authority body or person for the time being entitled to the mains pipes wires or apparatus (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that the alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire:
- (B) Within three weeks after the service of any such notice and plan on any owners those owners may if they think fit serve a requisition on the operators requiring that any question in relation to the works or to compensation in respect thereof or any other question arising on such notice or plan as aforesaid shall be settled by arbitration and thereupon that question unless settled by agreement shall be determined by arbitration accordingly:
- (C) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of the mains pipes wires or apparatus and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which the mains pipes wires or apparatus are used so far as possible:
- (D) Where no such requisition as in this section mentioned is served on the operators the owners shall be held to have agreed to the notice and plan served on them as aforesaid and in that case or where after any such requisition has been served on them any question required to be settled by arbitration has been so settled the operators on paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as

aforesaid to be made but subject in all respects to the provisions of this Act and only in accordance with the notice and plan so served by them as aforesaid or such modification thereof respectively as may have been determined by arbitration as hereinbefore mentioned or as may be agreed between the parties:

A.D. 1906.

- (E) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement on the operators stating that they desire to execute the alterations themselves and where any such statement has been served on the operators they shall not be entitled to proceed themselves to execute the alterations except where they have notified to the owners that they require them to execute the alterations and the owners have refused or neglected to comply with the notification as hereinafter provided:
- (F) Where any such statement as last aforesaid has been served on the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of the alterations is required to be commenced serve a notice on the owners stating the time when the alterations are required to be commenced and the manner in which the alterations are required to be made:
- (G) Upon receipt of any such notice as last aforesaid the owners may proceed to execute the alterations as required by the operators subject to the like restrictions and conditions so far as they are applicable as the operators would themselves be subject to in executing the alterations:
- (H) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with the notice the operators may themselves proceed to execute the alterations in like manner as they might have done if no such statement as aforesaid had been served upon them:
- (I) All expenses properly incurred by any owners in complying with any such notice of any operators under this section shall be repaid to them by the operators and may be recovered summarily:

A.D. 1906.

(j) Any owners may if they think fit by any statement served by them upon the operators under this section require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be agreed upon between such owners and operators or in default of agreement as may be determined by arbitration and where any operators have been so required to give security they shall not be entitled to serve a notice upon the owners requiring them to execute such alterations until such security has been duly given :

(k) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds :

Provided that the operators shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of
mains near
sewers &c.
or gas or
water pipes
or electric
lines.

36.—(1) Where the Company require to dig or sink any trench for laying down or constructing any new power-gas mains (other than service pipes) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of any local authority or any main pipe syphon electric line or other work belonging to any gas electric supply electric tramway or water company has been lawfully placed or where any gas electric supply electric tramway or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any power-gas mains or pipes of the Company have been lawfully placed the Company or the gas electric supply electric tramway or water company (as the case may be) in this section referred to as "the operators" shall unless it is otherwise agreed between the parties interested or in the case of sudden emergency give to

the local authority or to the gas electric supply electric tramway or water company or to the Company (as the case may be) in this section referred to as "the owners" not less than fourteen days' notice before commencing to dig or sink such trench as aforesaid and those owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or the officer for protecting from injury every such sewer drain watercourse defence main pipe syphon electric line or work and for securing access thereto and they shall also if required by the owners thereof repair any damage that may be done thereto. A.D. 1906.

(2) Where the operators find it necessary to undermine but not alter the position of any main pipe electric line or work they shall temporarily support it in position during the execution of their works and before completion provide a suitable and proper foundation for it where so undermined.

(3) Any question or difference which may arise under this section shall be determined by arbitration.

(4) If the operators make default in complying with the requirements of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the court are of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain watercourse defence main pipe syphon electric line or work affected thereby and that that ignorance was not owing to any negligence on the part of the operators.

(5) For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "electric tramway company" shall mean any body or person working electric tramways under the powers of any Act or Provisional Order the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy in pursuance of the Electric Lighting Acts.

A.D. 1906.

Supply of
power-gas
by meter.

37. The Company may require any consumer of power-gas supplied by them to consume such power-gas by a proportional meter to be supplied and fixed by and at the expense of the Company instead of by a meter which is a legal meter within the meaning of the Sale of Gas Act 1859 and in every such case the provisions of this section shall apply in lieu of those of the said Act.

An inspector under the Sale of Gas Act 1859 may at the request of any consumer of gas supplied by the Company by a proportional meter on giving not less than twenty-four hours' written notice to the Company of his intention examine and test any proportional meter within his jurisdiction as such inspector by which power-gas is supplied to such consumer and if necessary may remove the meter for that purpose doing as little damage as may be.

If upon such examination and testing it appears that the meter measures or registers incorrectly more than three per centum in favour of the Company the same shall not be refixed or used again unless and until altered and repaired at the expense of the Company so as to measure and register correctly and the fees and expenses of the inspector shall be borne and paid by the Company but if it appears that the meter measures or registers correctly or three per centum or less in favour of the Company then the fees and expenses of the inspector shall be borne and paid by the consumer.

Sections 21 and 22 of the Sale of Gas Act 1859 which relate to appeals from the decisions of inspectors shall apply for the purposes of this section as if they were with any necessary modifications re-enacted in this Act.

A proportional meter means a meter which measures and records a constant fraction of the total quantity passing through the meter.

Power-gas
not to be
supplied for
illumination
&c.

38.—(1) The Company shall not supply power-gas for the purpose of illumination nor for use in dwelling-houses hotels victualling houses shops places of worship infirmaries schools or museums and no power-gas supplied by the Company shall be used for those purposes or any of them.

(2) If any person supplied by the Company with power-gas shall use the same for any of the purposes prohibited by this section the Company shall forthwith upon becoming aware thereof discontinue the supply.

(3) If the Company act in contravention of the provisions of this section the Company shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and such penalty may be recovered by the authority or company owning the gas undertaking within whose district such contravention occurs.

A.D. 1906.

39. The prices to be charged by the Company for power-gas shall not exceed those stated in that behalf in the Third Schedule to this Act. Provided that every person entitled to demand a supply of power-gas from the Company shall be entitled to such supply on the same terms as any other person who is receiving a corresponding supply for a similar purpose in like circumstances and the Company shall not in making any agreement for affording a supply of power-gas show any undue preference to any person.

Charges for supply of power-gas.

40.—(1) It shall not be lawful for the Company at any time to supply power-gas which does not possess a distinctive and readily perceptible smell.

Conditions as to quality of power-gas supplied.

(2) For any contravention of this section by the Company the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their districts so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 41 of the Coal Mines Regulation Act 1887 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively:

Provided that no proceedings shall be taken against the Company by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Company at their principal office of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

41.—(1) The Secretary of State for the Home Department may at any time either before or after the Company shall have commenced to give a supply of power-gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Company) make or impose in

Secretary of State may make regulations as to supply of power-gas.

A.D. 1906. the interests of safety to persons regulations terms and conditions with respect to such supply.

(2) The Company shall not under the powers of this Act supply or continue to supply power-gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force. Provided that if in the opinion of the Company compliance with any such regulations terms and conditions would render the supply or continued supply of power-gas by them unremunerative or impracticable it shall be lawful for the Company upon giving to all consumers of power-gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Company shall not be under any obligation to supply or to continue to supply power-gas to any person.

(3) For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act of which the marginal note is "Conditions as to quality of power-gas supplied."

Testing place for power-gas.

42. The Company shall cause to be provided at each of their generating stations in the area of supply before they shall supply power-gas from such generating station a testing place with apparatus therein for the purpose of testing the thermal value and the composition of the power-gas supplied.

The said apparatus shall be in accordance with such rules and regulations as may from time to time be prescribed by the Board of Trade and shall be so situated and arranged as to be used for the purpose of testing the thermal value and the composition of the power-gas supplied by the Company and the Company shall at all times thereafter keep and maintain such testing place and apparatus in good repair and working order. All expenses incurred by the Board of Trade in prescribing such rules and regulations shall be paid by the Company.

Appointment and powers of power-gas examiners.

43. The local authority of any district within the area of supply may from time to time appoint and keep appointed a competent and impartial person to be a power-gas examiner to

test the power-gas at the testing place at the generating station from which the supply in such district is derived and such examiner may there test the thermal value and the composition of the power-gas supplied by the Company on any or every day between the hours of eight o'clock in the morning and six o'clock in the afternoon. A.D. 1906.
—

44. Where no such power-gas examiner is appointed or where the testing of the gas is imperfectly attended to by the local authority two justices on the application of consumers of the power-gas not being less than five in number may by order in writing appoint some competent and impartial person to be a power-gas examiner and such person may at any time within the hours aforesaid on producing the said order enter on the premises of the Company and there test the thermal value and the composition of the power-gas supplied by them. Two justices
may appoint
power-gas
examiner.

45. Any test taken in pursuance of this Act shall be taken in accordance with the rules prescribed from time to time by the Board of Trade and all expenses incurred by the Board in prescribing such rules shall be paid by the Company. Mode of test-
ing power-
gas.

46. The Company may if they think fit on each occasion of the testing of the power-gas by the examiner be represented by some officer but such officer shall not interfere in the testing. Representa-
tion of Com-
pany.

47. The power-gas examiner shall on the day immediately following that on which the testing of the power-gas has been conducted make and deliver a report of the result of his testing to the local authority or justices by whom he was appointed and to the Company and such report shall be receivable in evidence. Report of
examiners.

48. If it shall be proved to the satisfaction of any two justices not being shareholders in the Company after hearing the parties that on any day the power-gas supplied by the Company is of less thermal value than it ought to be according to the provisions of this Act the Company shall in every such case forfeit and pay to the local authority or the consumers making application for testing the power-gas such sum not exceeding twenty pounds as the justices shall determine. Penalty for
supplying
power-gas
deficient in
thermal
value.

49. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for such purpose this Act and the Acts incorporated therewith shall be deemed several Acts. Penalties not
cumulative.

A.D. 1906.

Minimum heating value of power-gas supplied.

Further provisions for protection of local authorities in regard to power-gas mains &c.

50. The power-gas supplied by the Company shall have a minimum heating value of eighty British thermal units per cubic foot at thirty-two degrees Fahrenheit and thirty inches of mercury pressure the product of combustion being cooled to sixty degrees Fahrenheit.

51. For the protection of local authorities the following provisions in regard to the laying of mains pipes or other apparatus for the supply of power-gas shall unless otherwise agreed between the Company and any such local authority apply and have effect (that is to say):—

- (1) The Company shall not without the consent in writing of the local authority affected lay or place any mains pipes or other apparatus above the surface of any street nor lay or place any mains pipes or other apparatus in under along or above any part of any street intended for the exclusive use of foot passengers except for the purpose of connecting consumers' premises with the mains of the Company nor shall they without the like consent open break up or interfere with any sewer or drain of any such local authority:
- (2) The consent of the local authority affected in respect of any of the matters hereinbefore referred to shall not be unreasonably withheld:
- (3) The mains and distribution pipes of the Company shall be so laid as not to unnecessarily interfere with the sewers water gas or electric supply mains of any such local authority and shall be so constructed that the upper surface of the Company's said mains and distribution pipes shall throughout their entire length where they pass under the streets and public footpaths be not less than two feet six inches below the surface of such streets and footpaths:
- (4) If any difference shall arise under this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference.

Byelaws by Company as to power-gas.

52. The Company may make byelaws for preventing the abstraction waste or misuse of power-gas supplied by them and for preventing any fraudulent or wrongful interference with any fittings engines machinery or apparatus or any meters or other instruments and may attach to the breach of any such byelaws

penalties not exceeding five pounds for any single offence but such byelaws shall not be of any force until they have received the approval of the Board of Trade. A.D. 1906.

53. The Company may by their agents officers servants and workmen at all reasonable hours enter any lands or building supplied by them with power-gas 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. Entry for examination of power-gas machinery &c.

54. Nothing in this Act contained shall prejudice or affect the right of any consumer to whom the Company may be and are required to supply power-gas in accordance with the provisions of this Act to recover damages from them for the failure on the part of the Company to supply power-gas. Failure to supply power-gas.

55. Nothing in this Act contained shall be construed as entitling the Company to any monopoly or exclusive right to supply power-gas for the purposes of motive power and heating within the area of supply. No monopoly to be created.

56. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to the manufacture or supply of power-gas passed before or after the commencement of this Act or from any regulations which may be made under any such general Act. Provision as to general Acts relating to power-gas.

PART V.

CAPITAL.

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

58. 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. Issue of shares.

59. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three fifths of the amount of a share Calls.

A.D. 1906. shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

60. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

61. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half-shares of which one shall be called "preferred half-share" and the other shall be called "deferred half-share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half-share (being the whole amount payable thereon) and the residue to the credit of the preferred half-share.

Dividend on half-shares.

62. The dividend which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half-shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half-share and the remainder if any in payment of dividend on the deferred half-share and the Company shall not pay any greater amount of dividend on the two half-shares than would have been payable on the entire share if the same had not been divided.

Dividend on preferred half-shares to be paid out of profits of year only.

63. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

- 64.** Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half-share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it. A.D. 1906.
Half-shares to be registered and certificates issued.
- 65.** The terms and conditions on which any preferred half-share or deferred half-share created under this Act is issued shall be stated on the certificate of each such half-share. Terms of issue to be stated in certificates.
- 66.** The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half-shares created under the authority of this Act and every such preferred half-share shall for that purpose be considered an entire share distinct from the corresponding deferred half-share and until any forfeited preferred half-share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest. Forfeiture of preferred half-shares.
- 67.** No preferred half-share created under the authority of this Act shall be cancelled or surrendered to the Company. Preferred half-shares not to be cancelled or surrendered.
- 68.** The several half-shares under this Act shall be half-shares in the capital of the Company and every two half-shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions hereinbefore contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share. Half-shares to be half-shares in capital.
- 69.** When any sum not less than fifty thousand pounds part of the capital of the Company shall have been subscribed under contract binding the parties thereto for the payment of the several sums in such portion of capital by them respectively Portion of capital to be subscribed before compulsory

A.D. 1906.
powers put
in force.

subscribed of which sum not less than twenty-five thousand pounds shall have been paid up it shall be lawful for the Company to put in force the powers of this Act in relation to the compulsory taking of land for the purposes of this Act and such sum shall be deemed to be the prescribed sum for the purposes of section 17 of the Lands Clauses Consolidation Act 1845 The deposit with the Board of Trade of a statutory declaration by two of the directors and the secretary of the Company that the said sums have been respectively subscribed and paid up shall be sufficient evidence thereof.

Power to
borrow.

70. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one third part of the amount of the capital by this Act authorised to be raised and at the time actually issued and accepted but no part of any such sum or sums shall be borrowed until the shares in respect of which the borrowing power is exercised are issued and accepted as aforesaid and one half thereof 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 such shares have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share issued and accepted has been paid on account thereof before or at the time of the issue or acceptance thereof 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.

For appoint-
ment of a
receiver.

71. 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 ten thousand pounds in the whole.

Debenture
stock.

72. 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 Act 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. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. A.D. 1906.

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

PART VI.

MEETINGS AND APPOINTMENT OF DIRECTORS.

74. The first ordinary meeting of the Company shall be held within one year after the passing of this Act. First ordinary meeting.

75. Subsequent ordinary meetings shall be held once in every year in the month of February or at such other stated period as shall be appointed for that purpose by an order of a general meeting. Subsequent ordinary meetings.

76. The number of directors shall be five but the Company may vary the number provided that the number be not less than three nor more than twelve. Number of directors.

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

78. The quorum of a meeting of directors shall be three unless the number of directors exceeds nine when the quorum shall be five. Quorum of directors.

79. Arnold Lupton William Frederick Smith Richard Williamson and two other persons 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 they continue qualified First directors.

Election of directors.

A.D. 1906. eligible for re-election At the second and subsequent ordinary meetings the shareholders present in person or by proxy shall (subject to the power hereinbefore 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 nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead.

Quorum of shareholders.

80. Until three fourths of the capital of the Company shall have been subscribed the quorum of a meeting of shareholders shall consist of shareholders present in person or by proxy holding in the aggregate at least one half of the issued capital of the Company whereof not less than fifty thousand pounds shall be paid up.

PART VII.

PROTECTIVE PROVISIONS.

Further provisions for protection of Cumberland County Council.

81. For the protection of the county council the following provisions shall in addition to any other provisions contained in the principal Act or this Act or any enactments incorporated with this Act unless otherwise agreed in writing between the Company and the county council apply and have effect:—

(1) All works laid or placed in under along or across any street or part of a street which is repairable by the county council shall be executed so as not to stop or more than is absolutely necessary for the purpose impede or interfere with the traffic over or along any such street and the Company shall not without the consent of the surveyor of the county council open or break up at any one time a greater continuous length of street than one hundred yards nor shall such openings or breakings up be carried out without leaving a clear space of one furlong between consecutive openings or breakings up unless with the like consent:

(2) The Company shall on demand pay to the county council the reasonable costs which they may incur in the repair and reinstatement of so much of any such street in which any electric lines gas pipes or other works of the Company are laid as may be injured or damaged by reason of the traffic being concentrated thereon

during the construction alteration or repair of the said electric lines gas pipes or other works or any part or parts thereof: A.D. 1906.

- (3) The county council shall not except in the case of negligence be liable for any claim for damages in respect of any injury which may be caused to any electric lines gas pipes or other works belonging to the Company through the use by the county council or their agents of any steam roller:
- (4) No electric lines gas pipes or works shall (unless the county council in their absolute discretion shall otherwise consent) be constructed or laid under the roadway of any county bridge or any arch connected therewith but shall be attached to or carried alongside such bridge or arch in such manner as may be agreed on between the Company and the county council or as failing agreement may be settled by arbitration as hereinafter provided and the Company may notwithstanding anything in the principal Act or this Act or any incorporated enactment contained construct lay down erect and maintain such electric lines gas pipes or works accordingly and all works shall be executed and done so as to cause as little injury as may be to such bridges or arches and the works connected therewith:
- (5) The Company shall not without the consent in writing of the county council lay or place any mains pipes or other apparatus for the supply of power-gas above the surface of any street or part of a street repairable by the county council and where any such main pipe or apparatus shall have been placed by the Company above the surface of a street and such street shall subsequently be taken over by the county council the Company shall at their own expense if required by the county council so to do make such alteration in the position of the said main pipe or apparatus as may be required by the county council:
- (6) Nothing in this Act or any incorporated enactment shall in any way limit or affect the powers of the county council to divert widen or improve any main road or to remove alter widen or renew any county bridge or the approaches thereto in alongside or near to which

A.D. 1906.

any electric lines or gas pipes of the Company are laid or carried in the same manner as they might have done if this Act had not been passed and the county council shall not be required to make any compensation to the Company for any expense or loss to which the Company may be put in consequence of the reasonable exercise of such powers. Any alteration of the position of any electric lines gas pipes or other works of the Company necessitated by the diversion widening and improvement of such road or the removal alteration or renewal of such bridge shall be effected by and at the expense of the Company and within such reasonable period as shall be required by the surveyor of the county council. If in order to avoid interruption to the supply of electrical energy or power-gas by the Company during the carrying out of the works it is necessary to do so the Company may temporarily carry their electric lines or gas pipes overhead or at the side of any such road county bridge or approaches in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council. Provided that before any such diversion widening or improvement of any main road or removal alteration or renewal of any bridge shall be commenced the county council shall give one month's notice in writing to the Company of their intention to carry out such works and the county council shall afford at the cost of the Company reasonable facilities for temporarily carrying their electric lines or gas pipes along the main road or across the stream so as not to interrupt the continuous supply of electrical energy or power-gas :

- (7) The Company shall pay to the county council their reasonable cost in relation to the examination of any plan served on them in accordance with the Electric Lighting (Clauses) Act 1899 and the superintendence authorised by the principal Act of any works of the Company :
- (8) The provisions of section 77 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to the Company and their undertaking in relation to the supply of power-gas :

- (9) If any difference shall arise between the Company and the county council under the provisions of this section such difference shall unless otherwise agreed be settled by an arbitrator to be appointed by the Board of Trade on the application of either party. A.D. 1906.

82. For the protection and benefit of the urban district council of Maryport (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company apply and have effect (that is to say):— For protection of urban district council of Maryport.

- (A) The Company shall not supply electrical energy within one year from the date of the passing of this Act in the district of the council without the consent of the council:
- (B) If the council shall not apply for and obtain a Provisional Order during the next ensuing session of Parliament after the passing of this Act the Company shall not oppose any application which may thereafter be made by the council for a Provisional Order under the Electric Lighting Acts 1882 and 1888 for supplying electrical energy within the district of the council:
- (C) Until the Company have erected a generating station capable of supplying electrical energy within the district of the council they shall not without the consent in writing of the council apply for a Provisional Order under the Electric Lighting Acts 1882 and 1888 for supplying electrical energy within the district of the council:
- (D) Where electrical energy is supplied to any person for power within the district of the council the energy used by such person for lighting purposes shall not in any year except with the consent in writing of the council exceed the amount of energy used by such person for power:
- (E) The Company shall not without the consent in writing of the council supply power-gas to any consumer within the district of the council whose gas-engine or engines are of less than the total capacity of fifteen brake horse-power:

A.D. 1906.

(F) The Company shall not without the consent in writing of the council—

(1) Lay or place any mains or pipes or other apparatus other than service pipes under the foot-way of any street or road repairable by the council;

(2) Lay or place any mains or pipes in any street or road as aforesaid of a diameter exceeding fifteen inches;

(3) Lay or place any mains or pipes in any street or road as aforesaid which is less than thirty feet in width of a diameter exceeding ten inches:

(G) The Company shall not without the written consent of the council in any way during the process of laying or placing or repairing or altering any of the mains pipes wires and other apparatus connected with the supply of electrical energy or power-gas stop up or impede or obstruct the public traffic in any street or road or highway repairable by the council for more of the street or road or highway than is equivalent to one half of the width of the carriageway thereof.

For protection of urban district council of Cleator Moor.

83. For the protection and benefit of the urban district council of Cleator Moor (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company apply and have effect (that is to say):—

(A) The Company shall not oppose any application which may be made by the council for a Licence or Provisional Order under the Electric Lighting Acts 1882 and 1888 for supplying electrical energy within the district of the council:

(B) Where electrical energy is supplied to any person for power within the district of the council the energy used by such person for lighting purposes shall not in any one year except with the consent in writing of the council exceed the amount of energy used by such person for power:

(C) Any electrical energy used by such person for lighting shall if required by the council be supplied through a separate meter and the council may once in each quarter of a year inspect the meters and the Company shall at

the request of the council produce the meter readings for their inspection and shall if required so to do verify the same : A.D. 1906.

- (D) If the Company act in contravention of the provisions of this section they shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and such penalties may be recovered summarily by the council :
- (E) The Company shall not directly or indirectly (except through the council) supply electrical energy for lighting purposes otherwise than under the provisions of this section :
- (F) The council shall not be responsible to the Company for any damage sustained by the Company in consequence of any road repairable by the council subsiding on account of the working of the minerals under such road.

84. For the protection of the mayor aldermen and burgesses of the borough of Whitehaven (in this section referred to as "the corporation") the following provisions shall have effect (that is to say) :— For protection of corporation of borough of Whitehaven.

- (1) The agreement a copy whereof is set forth in the Fourth Schedule to this Act is hereby confirmed and made binding upon the corporation and the Company as fully and effectually as if the same had been entered into by the Company under their common seal after the passing of this Act and as if the Company were a party thereto in the place of Arnold Lupton and Joseph Thomas Pullon and the corporation and the Company are hereby respectively empowered to carry out the same :
- (2) The Company (except with the previous consent in writing of the corporation) shall not exercise within the borough of Whitehaven any of the provisions and powers of this Act unless and until the transfer of the electricity undertaking of the corporation shall have been duly made and completed :
- (3) Any moneys received by the corporation in respect of the said transfer shall be applied by them either in the repayment of outstanding loans or to such purposes to which capital is properly applicable as may be approved

A.D. 1906.

by the Local Government Board but shall not be applied to the payment of instalments or to payments into sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be re-borrowed:

- (4) If the said transfer shall not be duly made and completed in accordance with the terms of the said agreement on or before the thirty-first day of March one thousand nine hundred and ten then the corporation in addition to any other remedy shall be at liberty and entitled at their discretion to put an end to the said agreement by giving notice to that effect in writing to the Company and thereupon the said agreement and all rights of the Company thereunder shall cease and determine:

For protection of corporation of Workington.

85. For the protection of the mayor aldermen and burgesses of the borough of Workington (in this section referred to as "the corporation") the following provisions unless otherwise agreed in writing between the corporation and the Company shall apply and have effect (that is to say):—

- (1) If within twelve months from the time when the Company have erected an electrical generating station capable of generating sufficient "current" for the supply of electrical energy to the corporation the corporation for the purpose of distribution under their powers in that behalf agree to take a supply of electrical energy in bulk from the Company of an amount and upon terms to be agreed or failing agreement to be settled by arbitration as hereinafter provided then so long as the corporation continue to so take such supply the Company shall not supply electrical energy (except to authorised undertakers or to any railway tramway tramroad or water company or proprietors or trustees of any canal harbour dock or navigation for power for use only on such railway tramway tramroad canal harbour dock or navigation) within so much of the borough of Workington (hereinafter in this section referred to as "the borough") as is coloured pink on the Ordnance map signed in duplicate by Frederick Henry Maitland Earl of Lauderdale the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which map has been deposited

in the Parliament Office of the House of Lords and one copy in the Private Bill Office of the House of Commons: A.D. 1906.

- (2) The Company shall not within the said area coloured pink as aforesaid supply any power-gas or lay down any main for the supply of power-gas other than and except one trunk main for conveying through the said area power-gas such through main to be of a diameter not exceeding two feet according to a line of route to be reasonably approved by the corporation:
- (3) The Company shall not in any case except with the consent in writing of the corporation supply any power-gas within any part of the borough except for use in engines which shall in the case of each consumer so supplied have a total capacity of not less than 50-brake horse-power installed and in general use and at least one engine of not less capacity than 25-brake horse-power installed:
- (4) The Company shall not so long as the corporation have power and authority to supply electrical energy for public and private purposes within the borough exercise in respect of the borough the right conferred upon them by the section of this Act the marginal note whereof is "As to application for Provisional Orders" nor shall the Company oppose any application the corporation may make to extend the period of any Order under which they shall have any such power or authority:
- (5) If any difference shall arise between the corporation and the Company under the provisions of this section such difference shall be settled by an arbitrator to be appointed failing agreement by the Board of Trade on the application of either party.

86. The following provisions for the protection of the local authorities having the control of roads or bridges within the area of supply (each of whom is in this section called "the road authority") shall (notwithstanding anything in this Act contained) unless otherwise agreed in writing between the Company and any such road authority apply and have effect:—

For protection of local and road authorities.

- (1) All mains pipes wires or other works to be laid or constructed in along or across any road or bridge under

A.D. 1906

the jurisdiction of or repairable by the road authority or any arch connected therewith shall be constructed and laid under the superintendence if the same be given and to the reasonable satisfaction of the surveyor of the road authority (in this section referred to as "the surveyor") and unless otherwise required by the Board of Trade in such position as he shall by writing under his hand direct and the Company shall pay to the road authority any special expenses incurred by them in relation to such superintendence :

- (2) All such works shall be executed so as not to stop or more than is absolutely necessary for the purpose to impede or interfere with the traffic over or along any such road or bridge and all such works shall be proceeded with and completed with all possible dispatch and the Company shall not without the consent of the surveyor open or break up at any one time a greater consecutive length than one hundred yards nor shall such openings or breakings up be carried out without leaving a clear space of one furlong between consecutive openings or breakings unless with the like consent :
- (3) The Company shall during the progress of the works take all necessary steps at their own expense for protecting the public using any such road or bridge from injury and shall be liable for and indemnify the road authority against all damage that may be incurred consequent upon their neglect or omission to provide such protection :
- (4) On completion by the Company of any works authorised by this Act the Company shall reinstate to the reasonable satisfaction of the surveyor such roads and bridges as shall have been injured or damaged and shall repay to the road authority all reasonable expenses of and incident to the maintenance and repair of the roadway and footway for such period (not being more than twelve months from the proper reinstatement thereof) as there shall be any subsidence in the surface thereof caused by such works :
- (5) The Company shall on demand pay to the road authority the reasonable costs which the road authority may

incur in the repair and reinstatement of so much of any such road upon or in which any mains pipes wires or other works of the Company are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the said mains pipes wires or other works or any part or parts thereof: A.D. 1906.

- (6) The road authority shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes wires or other works belonging to the Company through the reasonable and proper use by the road authority of any steam roller:
- (7) The road authority shall not be responsible to the Company for any damage sustained by the Company in consequence of any road subsiding after the construction or relaying of any sewer drain gas or water main or any other pipes and apparatus has been completed and the ground above the same filled in provided such work shall have been executed with all reasonable care and in a proper and workmanlike manner:
- (8) Nothing in this Act contained shall in any way limit or affect the powers of the road authority to divert improve widen or reconstruct any such road or to remove alter widen or rebuild any such bridge in alongside or near to which such mains pipes wires or other works are laid in the same manner as they might have diverted improved removed altered widened reconstructed or rebuilt any such road or bridge if this Act had not been passed without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of the reasonable exercise by the road authority of such powers and any alteration of the position of any mains pipes wires or other works of the Company necessitated by the diversion improvement removal alteration widening reconstruction or rebuilding as aforesaid shall be effected by and at the expense of the Company and within such reasonable time as the surveyor may prescribe Provided that in altering or diverting any main road nothing shall be done to impede or interfere with the said works for

A.D. 1906.

any greater time or to any greater extent than shall be necessary for the execution of the works of alteration or diversion. Provided that before such diversion improvement removal alteration widening reconstruction or rebuilding of any such road or bridge shall be commenced the road authority shall give one month's notice in writing to the Company of their intention to carry out such works and shall afford all reasonable facilities to enable the Company to temporarily carry the mains pipes wires or other works over along or by the side of such road or bridge or across or under the stream so as not to interrupt the continuous supply of electrical energy or power-gas :

(9) The provisions of section 77 of the schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to the Company and their undertaking in relation to the supply of power-gas :

(10) If any difference shall arise between the Company and the road authority touching anything to be done or not to be done under the provisions of this section such difference shall unless otherwise agreed be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference.

For protec-
tion of rail-
way com-
panies.

87. The following provisions for the protection of the London and North Western Railway Company the Furness Railway Company the Maryport and Carlisle Railway Company the Cleator Moor and Workington Junction Railway Company the Cockermouth Keswick and Penrith Railway Company (who are in this section each referred to as and included in the expression "the railway company") shall in addition to any other provisions for their protection contained in this Act or in the provisions of any Act incorporated therewith apply and have effect unless otherwise agreed between the railway company and the Company :—

(1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes wires apparatus or other works in the exercise of the powers contained in this Act upon across under or adjoining or in any way affecting the lands and property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts

stations or other works or any level crossings over the railways 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 position and manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in case of difference as may be determined by arbitration in the manner hereinafter provided: A.D. 1906.

- (2) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the railway company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the railway company elect so to do where any mains pipes wires or apparatus require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the Company :
- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon :
- (4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the railway company the Company shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :

A.D. 1906.

- (5) The Company shall acquire only such an easement across over or under any of the railways works or property of the railway company as may be necessary for constructing or maintaining any of the works of the Company and shall pay to the railway company for any such easement to be acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of such arbitration :
- (6) If the railway company at any time or times hereafter require (of which they shall be the sole judges) to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the railway company may on giving to the Company twenty-eight days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done without unduly interfering with the supply of electricity or power-gas by the Company :
- (7) Any additional expense which the railway company may reasonably and properly incur in widening or altering their railways or works by reason of the existence of any electrical lines of the Company across or under the same shall be paid by the Company :

- (8) If having regard to the proposed position of overhead lines or other electrical equipments in relation to the position of the lands or works of the railway company it shall be necessary in order to avoid danger to any property of the railway company from the breaking or falling of wires or in the event of any of the telegraphic, telephonic, or electrical signal communications of the railway company being at any time injuriously affected by induction or otherwise from the electric lines of the Company the Company shall with all possible despatch at their own expense execute or do such remedial works in connection with their own plant as may be reasonably necessary for the protection of the railway company and in case of any delay by the Company in executing the said remedial works the railway company may themselves by their duly authorised officers and servants enter upon the lands and premises of the Company and execute the said remedial works and may recover the reasonable cost of the same from the Company in any court of competent jurisdiction: A.D. 1906.
- (9) During the construction by the Company of any work affecting any bridge railway or other work of the railway company the Company shall bear and on demand pay to the railway company the reasonable expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by the railway company for preventing all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employment of the Company or their contractors with reference thereto:
- (10) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Company or either of them.

A.D. 1906.

For protection of Lord Leconfield.

88. For the protection of the Right Honourable Charles Henry Baron Leconfield his heirs sequels in estate and assigns (in this section called "the owner") the following provisions shall notwithstanding any other provision of this Act have effect:—

(1) Nothing in this Act contained shall be held to prejudice hinder or lessen any of the rights or powers of the owner to search for sink to work win dig raise or carry away any mines or minerals within the area of supply :

(2) The owner shall not be liable for or be bound to make good or incur any responsibility in respect of any loss or damage which may be occasioned to the Company or their lessees or tenants or to any lands buildings electric cables lines mains pipes works or other property of the Company or of their lessees or tenants by working any mines or minerals in such manner as to let down or otherwise disturb the surface of any works buildings or property of the Company thereon or thereunder provided the said mines and minerals shall have been worked in a proper manner.

For protection of Whitehaven United Gas Company Limited.

89. The provisions of sections 17 and 18 of the schedule annexed to the Electric Lighting (Clauses) Act 1899 incorporated with this Act and the sections of this Act whereof the marginal notes are "As to alteration of pipes wires &c. under streets" and "Laying of mains near sewers &c. or gas or water pipes or electric lines" shall be deemed to and shall apply to the mains pipes and apparatus of the Whitehaven United Gas Company Limited in relation to any works carried out by the Company under the powers of this Act but not in relation to works which the Company may carry out under the powers of the Whitehaven Electric Lighting Order 1891 if they acquire the undertaking authorised by that Order.

Confirming agreement with West Cumberland Electric Tramways Company.

90. The agreement a copy whereof is set forth in the Fifth Schedule hereto dated the fourth day of May one thousand nine hundred and six and made between the West Cumberland Electric Tramways Company of the one part and Arnold Lupton and Joseph Thomas Pullon for and on behalf of the Company of the other part is hereby confirmed and made binding on the Company as fully and effectually as if the same had been entered into by

the Company under their common seal and as if the Company were a party thereto in the place of the said Arnold Lupton and Joseph Thomas Pullon. A.D. 1906.

PART VIII.

MISCELLANEOUS.

91. Whenever the Company make default in supplying electrical energy to any authorised undertaker or person or power-gas to any owner or occupier of premises to whom they may be and are required to supply electrical energy or power-gas in accordance with the foregoing provisions of this Act they shall be liable in respect of each default to a penalty not exceeding ten pounds in the case of electrical energy and forty shillings in the case of power-gas respectively for each day on which the default occurs: Penalty for failure to supply.

Provided that the penalties to be inflicted on the Company under this section shall not exceed in respect of any one default not being a wilful default on the part of the Company the sum of two hundred pounds and provided also that in no case shall any penalty be inflicted in respect of any default if the court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight and unimportant a character as not materially to affect the value of the supply.

92. If any person is required by the Company to give to them security for the payment of any moneys which may become due to the Company in respect of the electrical energy or power-gas to be supplied under any contract and such security is made by way of deposit the Company shall pay interest after the rate of four 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. Company to pay interest on money deposited as security.

93.—(1) The Board of Trade at any time after the expiration of a period of ten years from the passing of this Act on the application of the Company or in the case of electrical energy on the application of any three or more authorised undertakers or in the case of power-gas on the application of any local authority within whose district a supply is given may revise the maximum prices contained in this Act. Revision of prices.

A.D. 1906.

(2) The Board of Trade may if they think fit on the like applications make a similar revision at the expiration of a period of ten years from the date at which the last such revision has taken place.

(3) On any such revision the Board of Trade may modify the provisions of this Act as to price so far as may be necessary to carry out their decisions on the revision.

Accounts
and audit.

94.—(1) The Company shall keep full true and plain accounts of their receipts and expenditure in respect of the undertaking prepared in a form approved by the Board of Trade and shall at least once in every year cause to be prepared a true balance sheet prepared in a form approved by the Board of Trade showing the capital assets property and liabilities of the Company and the said accounts and balance sheet shall in or within one month before each ordinary meeting be examined and audited in such manner and subject to such regulations as the Board of Trade may prescribe and shall be presented together with the report or certificate of the auditors to such ordinary meeting.

(2) A copy of the accounts and balance sheet for each financial year together with the report or certificate of the auditors shall be published in such manner as may from time to time be prescribed by the Board of Trade. The Company shall keep copies of such accounts and balance sheet at their office and sell the same to any applicant at a price not exceeding one shilling for each such copy. If the Company make default in complying with the provisions of this subsection they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Division
of surplus
profits.

95.—(1) If in any financial year the clear profits of the Company shall be more than sufficient to pay a dividend at the rate of ten pounds per centum per annum on the share capital for the time being of the Company one third of the surplus shall be applied in forming a reserve fund subject and according to the provisions hereinafter contained one third shall be applied in making a rateable reduction of the charges for electrical energy and power-gas supplied to consumers in the financial year in which the surplus is earned and the remaining one third of the surplus shall be paid as a dividend upon the share capital additional to the ten pounds per centum per annum above referred to or may be otherwise applied as the Company may determine

but if and when such reserve fund shall amount to the sum of one hundred thousand pounds then the surplus profits shall be applied as to one half in reduction of the charges to consumers as aforesaid and as to the other half in payment of such additional dividend upon the share capital or otherwise as aforesaid. A.D. 1906.

(2) The amount of reduction to which each consumer may be so entitled is in this section referred to as a rebate and any consumer who has paid his account for any financial year or any part of such year before the amount of his rebate is ascertained may recover from the Company the amount of his rebate summarily or by action in any county court having jurisdiction in the district.

96.—(1) A reserve fund under this Act shall be formed by investing the moneys appropriated thereto and the resulting income of such investments in any securities in which trustees are for the time being empowered by law to invest trust moneys and accumulating the same at compound interest until the fund amounts to one hundred thousand pounds. Reserve fund.

(2) The reserve fund so formed shall be applicable to meet any deficiency at any time occurring in the income of the Company from the undertaking or to meet any extraordinary claim or demand at any time arising against the Company in respect of the undertaking and so that if the fund is at any time reduced below the sum of one hundred thousand pounds it may again be restored to that sum and so from time to time as often as such reduction happens.

(3) So long as the reserve fund amounts to or exceeds one hundred thousand pounds the resulting income thereof shall be applied to any of the general purposes of the Company to which the profits of the Company's undertaking are applicable.

97.—(1) Notwithstanding anything contained in this Act or the Acts incorporated therewith the Company may issue any part of their capital (whether original or additional) which the Company are or may hereafter be authorised to raise to such persons on such terms and conditions (including the payment of commission not exceeding seven and one half per centum for underwriting or procuring subscriptions for any shares in the Company) and in such manner as the directors think advantageous to the Company Provided that the payment of any commission and the amount or rate per centum of the commission paid or agreed to be paid Power to pay commission on issue of capital.

A.D. 1906. shall be respectively disclosed in the prospectus or other document of the Company inviting subscriptions for such shares.

(2) Nothing in this section shall affect any power of the Company to pay brokerage.

Dwelling-houses for employees.

98. The Company may erect and maintain upon the lands for the time being belonging to or leased by them cottages or dwelling-houses suitable for their officers workmen and servants.

Map of area of supply to be made.

99.—(1) The Company shall forthwith after commencing to supply electrical energy or power-gas under this Act cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains and other underground works and shall once in every year cause that map to be duly corrected so as to show the then existing underground works. The Company shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works. The said map and sections shall be made on such scale or scales as the Board of Trade prescribe.

(2) Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Company at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and those applicants may take copies of it or any part thereof. The Company may demand and take from every such applicant such fee not exceeding one shilling for each inspection of the map section or copy and such further fee not exceeding five shillings for each copy of it or any part thereof taken by the applicant as they prescribe.

(3) The Company shall if required by the Board of Trade or the Postmaster-General or by the county council or by any local authority in the area of supply supply to them or him free of charge a copy of any such map or section (but in the case of a local authority only so far as relates to the district of such authority) and cause that copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Company.

(4) If the Company fail to comply with any of the requirements of this section they shall for each default be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

100. All charges rates and sums payable to the Company and all penalties under this Act or any byelaw 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 Provided that charges rates and sums other than penalties or costs recoverable along with penalties shall only be recoverable as civil debts.

A.D. 1906.
Recovery of
charges &c.

101. If within three years from the first day of January one thousand nine hundred and seven the Company have not substantially commenced their works for the purpose of carrying out their powers under this Act or if within four years after the said first day of January one thousand nine hundred and seven the Company have not provided a generating station or stations sufficient in the opinion of the Board of Trade and are not in a position to supply electrical energy therefrom or if within the period of seven years from the first day of January one thousand nine hundred and seven the Company have not provided an effective system of supply of power-gas within the district or limits of supply of any authority body or person lawfully supplying gas therein the Board of Trade may at any time thereafter order that all or any of the powers of the Company under this Act shall cease as to the whole or any part of the area of supply and on any such order being made all or any of those powers shall cease accordingly.

Cesser of
powers.

102. If owing to the abandonment of the undertaking or any part thereof any mains pipes electric lines wires or apparatus laid under the powers of this Act under any main road or any county bridge shall for the space of three years be disused and such disuser be proved to the satisfaction of the Board of Trade the said Board may if they think fit by order sanction the removal of such mains pipes electric lines wires or apparatus and the authority having the control of the said main road or county bridge (in this section referred to as "the road authority") may (subject however to any agreement between the road authority and the Company providing for the removal of such mains pipes electric lines wires or apparatus by the Company) forthwith remove the same and the Company shall pay to the road authority the cost of such removal and of the reinstatement of the said road or bridge in which the same was laid and if the Company fail to pay such cost within one month after the ascertainment of and application for the same the road authority may without any previous notice to the Company (but without prejudice to any other remedy which

As to
removal of
mains &c.
after aban-
donment.

A.D. 1906. they may have for the recovery of the amount) sell and dispose of the materials of the mains pipes electric lines wires or apparatus so removed either by public auction or private sale and for such sum or sums and to such person or persons as they think fit and may out of the proceeds of such sale pay and reimburse themselves the reasonable cost of such removal and reinstatement of the said road or bridge and the cost of the sale and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the Company.

Agreements with regard to supply of water.

103. The Company and the proprietors or trustees of any waterworks canal or navigation or other body or person may enter into and carry into effect contracts agreements and arrangements for and with respect to the supply of water to the Company for condensing and other purposes of their undertaking by any such proprietors trustees body or person.

Agreements for supply of energy.

104. The Company may enter into and carry into effect contracts agreements and arrangements with any authorised undertaker company body or person for and with respect to all or any of the following matters (that is to say):—

The supply by the Company to such authorised undertaker company body or person of electrical energy or power-gas or any plant fittings or materials;

The prices to be charged for and the terms and conditions of such supply;

The execution or exercise by the Company on behalf of such authorised undertaker company body or person of any works or powers in reference to the supply or use of electrical energy or power-gas within the area of supply:

Provided that the Company shall grant to every authorised undertaker company body or person as favourable terms and conditions as those granted to any other authorised undertaker company body or person whose circumstances are similar.

Power to Company to supply fittings &c. Fittings not to be subject to distress.

105.—(1) The Company may purchase sell let for hire or otherwise deal in fix repair and remove but shall not manufacture dynamos motors accumulators meters burners stoves lamps fittings wires plant engines conductors machinery appliances and other apparatus for or in relation to the production supply distribution or utilisation of electrical energy or power-gas and may provide all materials and do all work necessary or proper in that behalf and may make such reasonable charges therefor as they may think fit.

(2) Apparatus let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such apparatus has upon it a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof. A.D. 1906.

106. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any moneys by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of four years from the first day of January one thousand nine hundred and seven or such less period as the directors may determine subject to the following conditions (that is to say):— As to pay-
ment of inte-
rest out of
capital.

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that one fifth at least of the share capital by this Act authorised has been actually issued and accepted and is held by shareholders who or whose executors administrators successors or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed twenty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting

A.D. 1906

subscriptions for shares which may be issued by or on behalf of the Company before the expiration of the period for which such interest shall be payable under the provisions of this Act and in every certificate of shares :

- (E) The yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Costs of Act.

107. All 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.

The SCHEDULES referred to in the foregoing Act.

A.D. 1906.

FIRST SCHEDULE.

LANDS FOR GENERATING OR POWER STATIONS.

(A) A piece of land containing 3 acres or thereabouts in the parish of Ellenborough and Ewanrigg in the urban district of Maryport in the county of Cumberland being a portion of the enclosure numbered 26 on the 25-inch scale Ordnance map Cumberland sheet XLIV. 8 (second edition 1900) bounded on the south-east partly by the London and North Western Railway and partly by a footpath leading to the Solway Iron Works on the south-west partly by a continuation of the said footpath and partly by the enclosure numbered 19 in the said parish on the north-west by an imaginary line drawn from a point on the south-western boundary of the said enclosure numbered 26 distant 87 yards from the extreme southern corner of the last-mentioned enclosure and continuing parallel to the said railway for a distance of 170 yards or thereabouts and on the north-east by an extension of the said imaginary line drawn from the northern extremity of the aforesaid line to the said railway in a south-easterly direction and parallel to the said south-western boundary.

(B) A piece of land with reservoirs and buildings thereon containing 10 acres or thereabouts in the parish and borough of Workington in the county of Cumberland being a portion of the enclosure numbered 18 including reservoirs numbered 58 59 and 60 on the 25-inch scale Ordnance map Cumberland sheet LIII. 7 (second edition 1900) which piece of land is bounded on the east partly by the main road leading from Workington to Maryport and partly by land and buildings numbered 57 on the said Ordnance map on the south partly by the aforesaid land numbered 57 and partly by the main road numbered 56 on the said map on the west by sidings adjoining the London and North Western Railway and on the north by an imaginary line drawn in a due easterly direction from a point 193 yards or thereabouts measured in a northerly direction from the northern parapet of the bridge carrying the said road numbered 56 over the said sidings to the eastern boundary above described.

(C) A piece of land containing 3 acres or thereabouts in the parish of Cleator and the urban district of Cleator Moor in the county of Cumberland being a portion of the enclosure numbered 446 on the 25-inch scale Ordnance map Cumberland sheet LXVII. 12 (second edition 1899) bounded on the west by the London and North Western and Furness Joint Railway on the south partly by certain cottages

A.D. 1906. adjoining the said railway partly by a plot of land belonging to the urban district council of Cleator Moor and partly by Leconfield Street on the east by an imaginary line drawn from a point in Leconfield Street 130 yards or thereabouts east of the gate into the district council's land aforesaid in a north-easterly direction at a right angle to Leconfield Street for a distance of 68 yards or thereabouts and on the north by an imaginary line drawn in a westerly direction from the northern point of the aforesaid eastern boundary parallel to Leconfield Street (crossing a dumping siding) until it meets the mineral railway belonging to the Whitehaven Hematite Iron and Steel Company Limited thence continuing along the southern side of the said mineral railway until it meets the western boundary of the said piece of land.

SECOND SCHEDULE.

MAXIMUM PRICES TO BE CHARGED IN RESPECT OF A SUPPLY OF ELECTRICAL ENERGY.

In this Schedule the expression "unit" shall mean the electrical energy contained in a current of 1,000 ampères flowing under an electric motive force of one volt during one hour.

The following are the maximum prices which the Company are entitled to charge per quarter:—

SECTION I.

(1) A standard charge for service at the rate of ten shillings per electrical horse-power for the supply of which the Company are required to make provision; and

(2) In addition a charge for current determined by meter after transforming as follows:—

(A) For the first 5,000 units consumed in any quarter at the rate of 3*d.* per unit;

(B) For all units consumed between 5,000 and 10,000 in any quarter at the rate of 2 $\frac{3}{4}$ *d.* per unit;

(C) For all units consumed between 10,000 and 20,000 in any quarter at the rate of 2 $\frac{1}{2}$ *d.* per unit;

(D) For all units consumed between 20,000 and 50,000 in any quarter at the rate of 2*d.* per unit;

(E) For all units consumed between 50,000 and 100,000 in any quarter at the rate of 1 $\frac{1}{2}$ *d.* per unit;

[6 EDW. 7.] *Cumberland Electricity and Power-Gas* [Ch. xcii.]
Act, 1906.

- (f) For all units consumed between 100,000 and 200,000 in any quarter at the rate of 1*d.* per unit; A.D. 1906.
(g) For all units consumed in excess of 200,000 units in any quarter at the rate of $\frac{3}{4}$ *d.* per unit.

SECTION II.

(1) For any quantity not exceeding the equivalent of one hundred hours of supply at the maximum power which has been demanded at the rate of fourpence per unit.

(2) For any further quantity exceeding the equivalent of one hundred and not exceeding two hundred hours of supply at such maximum power at the rate of twopence per unit.

(3) For any further supply exceeding the equivalent of two hundred hours of supply at such maximum power at the rate of one penny per unit.

THIRD SCHEDULE.

MAXIMUM PRICES TO BE CHARGED IN RESPECT OF SUPPLY OF
POWER-GAS.

In this Schedule the expression "gas unit" shall mean 1,000 cubic feet of a calorific value of 100 British thermal units or the equivalent thereof.

The following are the maximum prices which the Company are entitled to charge per quarter:—

(1) A standard charge for service at the rate of ten shillings per indicated horse-power per quarter or equivalent thereto for heating purposes for which the Company are required to make provision; and

(2) In addition a charge per gas unit for quantity actually supplied at the following rates:—

(A) For the first 1,000 units consumed in any quarter at the rate of 3*d.* per unit;

(B) For all units consumed between 1,000 and 10,000 in any quarter at the rate of 2 $\frac{1}{2}$ *d.* per unit;

(C) For all units consumed between 10,000 and 20,000 in any quarter at the rate of 2*d.* per unit;

(D) For all units consumed between 20,000 and 50,000 in any quarter at the rate of 1 $\frac{1}{2}$ *d.* per unit;

A.D. 1906.

- (E) For all units consumed between 50,000 and 100,000 in any quarter at the rate of 1*d.* per unit;
(F) For all units consumed in excess of 100,000 in any quarter at the rate of $\frac{3}{4}$ *d.* per unit.

FOURTH SCHEDULE.

Stamp.

Ten
Shillings.

AN AGREEMENT made the third day of May one thousand nine hundred and six between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF WHITEHAVEN (hereinafter referred to as "the corporation") of the one part and ARNOLD LUPTON of 6 De Grey Road in the city of Leeds M.P. civil engineer and JOSEPH THOMAS PULLON of Rowangarth North Park Road Roundhay near the city of Leeds civil and mining engineer (hereinafter referred to as "the trustees") of the other part.

WHEREAS the corporation are the undertakers within the meaning and for the purposes of the Whitehaven Electric Lighting Order 1891 (hereinafter referred to as "the Order") which was duly confirmed by Parliament by the Electric Lighting Orders Confirmation (No. 7) Act 1891:

And whereas as such undertakers as aforesaid the corporation are authorised to and do supply energy as defined in the Order within the borough of Whitehaven (hereinafter referred to as "the borough") and for the purposes of such supply have established and now own and maintain an electricity undertaking:

And whereas the trustees with others in the present session of Parliament are promoting a Bill and are endeavouring to obtain an Act intituled "An Act for incorporating and conferring powers on "the Cumberland Electricity and Power-Gas Company and for other "purposes" whereby it is proposed to incorporate a company by the name of "The Cumberland Electricity and Power-Gas Company" (hereinafter referred to as "the Company") and (inter alia) to confer upon the Company certain powers for the supply of electrical energy and power-gas as provided by the said Bill within an area of which the borough forms part and for the erection of one or more generating or power stations (which station or stations are hereinafter referred to as "the Company's station"):

And whereas the corporation have presented a petition to Parliament in opposition to the said Bill and to the proposals therein contained and are opposing the same:

And whereas terms have been arranged whereby the corporation have agreed to withdraw the said petition and opposition of the corporation and have also agreed to the provisions hereinafter contained: A.D. 1906.

Now therefore it is hereby agreed as follows:—

1. "The corporation electricity undertaking" shall include the lands properties works buildings stations machinery plant mains apparatus appliances rights powers and privileges for the time being belonging to or held or used or enjoyed by the corporation for or in relation to or in connection with the supply of electricity by them under or for the purposes of the Order but shall not include any stores or lamp standards or any part of the lands now used for or in connection with the generating station of the corporation other than the part thereof shown on a plan signed by Thomas Brown on behalf of the corporation and by John Sturgeon on behalf of the Company and thereon coloured red or any machinery plant apparatus or appliances other than dynamos and connected engines and accumulators balancers and other electrical accessories which shall be in or upon any lands and premises so excluded as aforesaid.

2. The corporation shall transfer to the Company and the Company shall purchase from the corporation all that the corporation electricity undertaking.

3. The said transfer and purchase shall be completed upon and take effect as from the thirty-first day of March one thousand nine hundred and ten or at such earlier date not being before the thirty-first day of March one thousand nine hundred and seven as the Company shall require and such day or date as the case may be is hereinafter referred to as "the date of completion."

4. Upon the date of completion and as the consideration for the transfer and purchase aforesaid the Company shall pay to the corporation the sum of twenty-five thousand pounds.

5. The Company upon completion as aforesaid shall also purchase from the corporation at such price as shall be agreed or failing agreement as shall be settled by arbitration the stores of all kinds of which the corporation at the date of completion shall be possessed as are requisite and necessary for the purposes of or in connection with the corporation electricity undertaking.

6. From and after the date of completion and the payment of the purchase money the rights powers authorities obligations and liabilities of the corporation in respect of the corporation electricity undertaking shall be transferred to and vested in and shall be exercised by and shall attach to the Company and the Company shall become the undertakers for the purposes of the Order and the Company shall continue to carry on the said undertaking and shall duly and effectually perform

A.D. 1906. — all the obligations imposed on them by this agreement or as undertakers by the Order or by any regulations made by the Board of Trade under the Order Provided however that any debts or mortgages or other similar obligations of the corporation which at the date of completion shall have been incurred by the corporation and shall be outstanding shall not be obligations and liabilities within the meaning of this provision but shall be paid and borne by the corporation Provided further that in the deed effecting the said transfer provision shall be made for deciding any disputes or questions which shall arise thereunder by arbitration in the same manner as is hereinafter provided in this agreement.

7. From and after the date of completion the Company shall be in the same position and be subject to and fulfil the same obligations and liabilities in respect of their relations with the corporation as the local authority for the borough as if they the Company and not the corporation had originally been the undertakers for the Order and so named therein Provided that the period at which the corporation may repurchase the undertaking shall be reckoned from the date of this agreement.

8. From and after the date of completion (if such date be before the thirty-first day of March one thousand nine hundred and ten) and until the erection of the Company's station or until the thirty-first day of March one thousand nine hundred and ten whichever shall first happen the Company shall provide and the corporation shall take from the Company the energy required for the lighting of such public lamps as at the date of completion shall be lighted by electricity and the Company shall also maintain and repair such lamps and shall be entitled to make and the corporation shall pay in respect of such provision maintenance and repair an inclusive charge at the rate of fourpence for each unit consumed in and by the said lamps during such hours as the corporation shall require the same to be lighted.

9. From and after the thirty-first day of March one thousand nine hundred and ten or if the said transfer of the corporation electricity undertaking shall be completed and the Company's stations shall be erected before that day from the date of the erection of the Company's station the Company shall provide the energy required for the lighting of such public lamps (if any) as the corporation shall from time to time require to be lighted by electricity by the Company and shall maintain and repair all such lamps and the Company shall be entitled to make and the corporation shall pay in respect of such provision maintenance and repair an inclusive charge at a rate not exceeding threepence for each unit consumed in the said lamps so required to be lighted during the hours for which the corporation shall require the same to be lighted.

[6 EDW. 7.] *Cumberland Electricity and Power-Gas* [Ch. xcii.]
Act, 1906.

10. From and after the date of completion the prices charged for the supply of energy for private lighting by the Company in the borough shall at no time and in no case exceed the following (that is to say):—

A.D. 1906.

(1) $4\frac{1}{2}d.$ per unit;

(2) £8 per kilowatt per annum and $2d.$ per unit.

11. In the event of the date of completion happening before the erection of the Company's station the corporation shall permit the Company to occupy and use the lands and premises shown on the before-mentioned plan and thereon coloured blue and which adjoin the lands and premises comprised within the corporation electricity undertaking and also any plant and apparatus therein until the completion of the Company's station and the connection of the Company's mains therefrom with the corporation's generating station or until the thirty-first day of March one thousand nine hundred and twelve whichever shall first happen. Provided however that while and so long as the Company shall exercise the power hereby reserved to them they shall maintain and repair the said premises and the plant and apparatus therein and shall also provide and at all times have available for use by the corporation and shall supply to the corporation such steam power as the corporation shall from time to time require for the purposes of pumping water and sewage. And the corporation shall pay to the Company in respect of the steam power so supplied such sum as shall be agreed or failing agreement as shall be determined by arbitration.

12. The Company shall at the joint and equal expense of the Company and the corporation upon the date of completion or when they shall cease to use the land and premises referred to in the last preceding clause and as thereby provided whichever shall last happen erect and thereafter at such joint and equal expense maintain a party-wall along the western boundary of the lands comprised in the corporation electricity undertaking between the points respectively marked "A" and "B" upon the before-mentioned plan.

13. From and after the date of this agreement and until the date of completion the corporation shall continue to carry on for themselves and for their own benefit the corporation electricity undertaking as a going concern and shall also do all such things as shall be reasonably necessary to maintain the existing buildings machinery mains and apparatus forming part of the said undertaking in fair working order (reasonable wear and tear excepted).

14. Any question as to the construction or in any way arising out of this agreement shall be determined by arbitration and shall be referred to a single arbitrator to be appointed failing agreement between the parties by the Board of Trade at the request of either party.

A.D. 1906

15. This agreement shall be scheduled to the before-recited Bill and shall be incorporated in the said proposed Act and a clause shall be inserted therein confirming this agreement and making the same binding on the Company in the place of the trustees who shall upon the said Bill receiving the Royal Assent be discharged from all liability hereunder and the Company shall thereupon be deemed to be a party hereto in their place and there shall also be inserted in the said Bill and incorporated in the said proposed Act a provision to the effect that the powers conferred on the Company thereunder shall not be exercised within the borough unless and until the transfer of the corporation electricity undertaking as provided by this agreement shall have been duly made and completed.

16. This agreement is entered into subject to the approval of Parliament and to such alterations or amendments as shall be made by Parliament therein and in the event of the said Bill not being passed into law or of the said approval of Parliament to the transfer of the corporation electricity undertaking as herein provided not being obtained this agreement and everything herein contained shall cease and determine and become void.

As witness the seal of the corporation and the hands and seals of the trustees the day and year first before written.

The corporate seal of the mayor aldermen and burgesses of the borough of Whitehaven was hereunto affixed in the presence of



G. CLARE BENNETT Mayor.
THOS. BROWN Town Clerk.

Witness to the signatures of the said Arnold Lupton and Joseph Thomas Pullon

ARNOLD LUPTON.
J. T. PULLON.



ARTHUR R. CHORLEY Solicitor
Leeds.

FIFTH SCHEDULE.

A.D. 1906.

AN AGREEMENT made the fourth day of May one thousand nine hundred and six between the WEST CUMBERLAND ELECTRIC TRAMWAYS COMPANY (hereinafter called "the Tramways Company") of the one part and ARNOLD LUPTON of 6 De Grey Road in the city of Leeds M.P. civil engineer and JOSEPH THOMAS PULLON of Rowangarth North Park Road Roundhay near the city of Leeds civil and mining engineer on behalf of a proposed company to be called the Cumberland Electricity and Power-Gas Company (hereinafter called "the trustees") of the other part.

Stamp.

Ten
shillings.

WHEREAS the Tramways Company were incorporated under the West Cumberland Electric Tramways Act 1901 for the purpose of the construction of certain tramways and tramroads with certain powers for the compulsory purchase of lands and other powers and the supply of electrical energy in certain districts with divers incidental provisions:

And whereas by the West Cumberland Electric Tramways Act 1903 and the West Cumberland Electric Tramways Act 1905 the Tramways Company have obtained certain extensions of some of their powers:

And whereas for the purposes of the said West Cumberland Tramways Act 1901 the sum of eighteen thousand seven hundred and fifty pounds was duly deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England:

And whereas the trustees with others have promoted in the present session of Parliament a Bill entitled "A Bill for incorporating and conferring powers on the Cumberland Electricity and Power-Gas Company and for other purposes" (hereinafter called "the Cumberland Bill") for the purpose of amongst other things the supply of electrical energy over areas some of which are included in the areas in which the Tramways Company are authorised to supply electrical energy as aforesaid:

And whereas the Tramways Company have presented a petition against the Cumberland Bill:

And whereas the Tramways Company have also promoted in the present session of Parliament a Bill for extending certain of their powers (hereinafter called "the Tramways Bill"):

A.D. 1906.

And whereas the subscribed capital of the Tramways Company consists of three thousand one hundred and fifty shares of ten pounds each fully paid:

And whereas the parties hereto have agreed to enter into these presents:

Now it is hereby agreed as follows:—

1. For the considerations hereinafter appearing and subject to the conditions hereinafter expressed the Tramways Company agree to obtain transfer to the trustees on behalf of the Cumberland Electricity and Power-Gas Company (hereinafter called "the Proposed Company") or their nominees of the said 3,150 shares held in the Tramways Company and the Tramways Company agree to pay and discharge all the debts and liabilities of the Tramways Company and to indemnify the trustees against such contracts (if any) affecting the Tramways Company as the Proposed Company shall not be willing to discharge or perform.

2. The consideration for the sale of the said shares and for the other provisions herein contained in favour of the Proposed Company shall be the sum of ten thousand pounds payable as follows (that is to say) As and when the Proposed Company shall by the issue of shares for cash or the allotment of fully paid-up shares or the exercise of borrowing powers or otherwise raise capital amounting in the aggregate to not less than one hundred thousand pounds the Proposed Company shall within one calendar month thereafter pay to Henry Samuel Oppenheim of St. Helens in the county of Lancaster solicitor on behalf of the shareholders of the Tramways Company the sum of five thousand pounds As and when further capital amounting in the aggregate to not less than fifty thousand pounds shall be raised by the Proposed Company in manner aforesaid the Proposed Company shall within one calendar month thereafter pay to the said Henry Samuel Oppenheim on behalf of the said shareholders the sum of two thousand five hundred pounds And as and when further capital amounting in the aggregate to not less than fifty thousand pounds shall be raised by the Proposed Company in manner aforesaid the Proposed Company shall within one calendar month thereafter pay to the said Henry Samuel Oppenheim on behalf of the said shareholders the sum of two thousand five hundred pounds The said shares shall be transferred upon payment of the said sum of five thousand pounds and not previously Provided that any share allotted as fully paid up shall for the purposes of this clause be deemed to have a cash value equivalent in amount to the nominal value of such share.

3. All books documents maps plans papers and effects of the Tramways Company shall upon payment of the said sum of five thousand pounds be transferred to and belong to the Proposed Company.

4. The Tramways Company shall forthwith after the execution hereof withdraw their petition in opposition to the Cumberland Bill and if required by the trustees shall support the Cumberland Bill and shall also withdraw the Tramways Bill.

5. In the event of an application to Parliament by or on behalf of the promoters of the Bill for the West Cumberland Electric Tramways Act 1901 or any of them or their nominees for powers to construct and maintain tramways following the lines of any of those authorised by that Act or to transfer or revive any such powers or to abandon any such tramways the Proposed Company shall not object to or oppose such application. Provision shall however be inserted in any Bill to construct such tramways or to transfer or revive such powers for the supply by the Proposed Company of energy for the working of such tramways in the event of their being in a position so to do on terms to be agreed or failing agreement to be settled by an arbitrator to be appointed by the Board of Trade.

6. The Tramways Company shall not after the date hereof do or cause anything to be done whereby any liability shall be incurred by or enter into any contracts binding on the Tramways Company except at the request of the trustees and except for the purpose of giving effect to this agreement. Provided that nothing in this clause contained shall apply to any steps that may be required to be taken to obtain repayment of the said deposit fund.

7. The Proposed Company shall not nor shall any person in their behalf or by their direction serve any notice to treat upon any person or persons owner or owners or do or concur in doing any act deed matter or thing which may directly or indirectly charge or incumber the said deposit fund or the dividends or income to any authority person or persons owner or owners other than the persons in whom the said deposit fund is vested.

8. This agreement shall be added as a schedule to the Cumberland Bill and a clause shall be inserted therein confirming this agreement and making the same binding on the Proposed Company in the place of the trustees who shall upon the Cumberland Bill receiving the Royal Assent be discharged from all liability hereunder and the Proposed Company shall thereupon be deemed to be a party hereto in their place.

9. The parties hereto shall bear their own costs of this agreement.

10. This agreement is made subject to the approval of Parliament and to such alteration as Parliament may think fit to make therein and if any material alteration be made the trustees or the Tramways Company may withdraw from same.

[Ch. xcii.] *Cumberland Electricity and Power-Gas* [6 EDW. 7.]
Act, 1906.

A.D. 1906.

In witness whereof the Tramways Company have caused their common seal to be hereunto affixed and the trustees have hereunto set their hands and seals the day and year first above written.

The common seal of the West Cumberland
Electric Tramways Company was hereunto
affixed in the presence of



JOHN HAMMILL }
JOHN FORBES } Directors.

Witness to the signatures of the } ARNOLD LUPTON.
said Arnold Lupton and Joseph }
Thomas Pullon } J. T. PULLON.



ARTHUR R. CHORLEY Solicitor
Leeds.

Printed by EYRE and SPOTTISWOODE,
FOR

ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.O.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.