



CHAP. lxxxiv.

An Act for dissolving and re-incorporating the proprietors of "The Maryport Gaslight Company (Limited)," and for other purposes. A.D. 1869.
[12th July 1869.]

WHEREAS "the Maryport Gaslight Company" was constituted and established by articles of agreement under seal, dated the twenty-seventh day of January one thousand eight hundred and thirty-four, for the purpose of making gas and therewith lighting the harbour, streets, houses, and other places in the town of Maryport, in the county of Cumberland, with a capital of two thousand four hundred pounds divided into two hundred and forty shares of ten pounds each, and with power to borrow money or to create new shares :

And whereas the said Company from time to time increased their capital by the issue of new shares and by carrying over surplus revenue after payment of dividends to their capital account, and at the time of the transfer herein-after mentioned such capital amounted to nine thousand pounds and upwards :

And whereas "the Maryport Gaslight Company, Limited," (in this Act called the existing Company) was constituted and established under memorandum and articles of association, dated respectively the fourteenth day of November one thousand eight hundred and sixty-four, with the object of purchasing the works, lands, and buildings, mains and pipes, and the real and personal estate, property, and effects of the said Maryport Gaslight Company, and for the manufacture, sale, and supply of gas, coke, and other products of coal, oil, and other substances used in the manufacture of gas, and to light the town and harbour of Maryport, and the several streets, courts, lanes, quays, and piers thereof, and the several houses and buildings therein, and such other parts of the parishes of Crosscanonby, Dearham, and Flimby, or any other parish in the county of Cumberland as should from time to time be thought desirable, and for other purposes, with a capital of fourteen thousand

[Ch. lxxxiv.] *The Maryport Town and Harbour* [32 & 33 VICT.]
Gas Act, 1869.

A.D. 1869. pounds divided into seven hundred shares of twenty pounds each, and with powers to borrow money, and if thought expedient to increase their capital :

And whereas the existing Company was on the twenty-sixth day of November one thousand eight hundred and sixty-four registered under "The Companies Act, 1862," and shortly afterwards the whole of the real and personal estate and property of the said Maryport Gaslight Company was transferred to the existing Company, the consideration for such transfer being the issue to the shareholders of the said Maryport Gaslight Company of six hundred and fifty shares of the existing Company of the nominal value of twenty pounds, on each of which the sum of fourteen pounds was to be considered as paid up :

And whereas the said Maryport Gaslight Company from the year one thousand eight hundred and thirty-four and until the formation of the existing Company, and the existing Company since its formation, have within their respective limits exclusively lighted the town and harbour of Maryport and supplied gas to private consumers :

And whereas it is expedient that the provisions of "The Gasworks Clauses Act, 1847," should be made applicable to the undertaking of the existing Company, and for that purpose that the existing Company should be dissolved and their proprietors be re-incorporated :

And whereas it is expedient that the limits within which the Company may supply gas should be extended and defined :

And whereas the present paid-up capital of the existing Company is nine thousand three hundred and ninety-four pounds, and they have borrowed upon their debenture bonds or other negotiable instruments the sum of six hundred pounds :

And whereas by section 118 of "The Maryport Improvement and Harbour Act, 1866," the trustees acting in execution of that Act are authorized to purchase the undertaking of the Company and supply gas, and such powers were extended by "The Maryport District and Harbour Act, 1868," and it is expedient that the trustees should be empowered to purchase the said undertaking either by agreement or by arbitration, and that until such purchase be completed the trustees should be limited to the making and supplying gas to the lighthouses, the harbour lamps, the town and district lamps, and other the purposes specified in section 104 of "The Maryport Improvement and Harbour Act, 1866 :"

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

[32 & 33 VICT.] *The Maryport Town and Harbour* [Ch. lxxxiv.]
Gas Act, 1869.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: A.D. 1869.

1. This Act may for all purposes be cited as "The Maryport Town and Harbour Gas Act, 1869." Short title.

2. "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided that this Act shall not authorize the purchase of any lands otherwise than by agreement. 8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 15., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. incorporated.

3. In this Act the several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have the same respective meanings, unless excluded by the subject or context; and the expression "the Company" means the Company incorporated by this Act; and the expression "the gas limits" means the limits within which the Company may supply gas and put this Act into execution; and the expression "the trustees" means the trustees acting in execution of "The Maryport Improvement and Harbour Act, 1866," and "The Maryport District and Harbour Act, 1868;" and the expression "the district" means the district as defined by section three of the last-named Act; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and in the Acts wholly or in part incorporated with this Act the word "share" shall include stock; and the expression "fiat in bankruptcy" shall mean and include an adjudication of bankruptcy and any proceedings in bankruptcy by which any person may be made or declared bankrupt. Interpretation of terms.

4. The existing Company is by this Act dissolved, and their memorandum and articles of association are by this Act cancelled and annulled. Dissolution of existing Company.

5. The several persons who immediately before the passing of this Act were shareholders in the existing Company, and all other persons who from time to time become entitled to shares of the Company incorporated.

[Ch. lxxxiv.] *The Maryport Town and Harbour* [32 & 33 VICT.]
Gas Act, 1869.

A.D. 1869.

capital of the Company, and their respective executors, administrators, successors, and assigns, are by this Act united into a Company for making and maintaining gasworks, and making and supplying gas, coal, and coke, and carrying on the business of a gas and coke company, and for other the purposes of this Act, and for those purposes are incorporated by the name of "The Maryport Town and Harbour Gas Company," and by that name shall be one 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.

Gasworks,
&c. vested
in Company.

6. All the undertaking, gasworks, buildings, lands, plant, stock, monies, credits, property, effects, choses in action, claims, and demands whatsoever of or to which the existing Company were in any way whatsoever immediately before the passing of this Act seised, possessed, or in any way entitled, at law or in equity, or otherwise howsoever, with their respective rights, members, and appurtenances, are by this Act vested in the Company as their undertaking, gasworks, property, and effects, but subject to all charges and incumbrances thereon, and all debts, liabilities, and engagements of the existing Company in respect thereof.

Company to
represent
dissolved
Company!

7. Except only as is by this Act otherwise expressly provided, the Company shall, with respect to their undertaking, gasworks, property, and effects, and all matters connected with the same respectively, represent the existing Company as if the existing Company and the Company had originally been and had continued without intermission to be one and the same body corporate.

General
saving of
rights.

8. Notwithstanding the dissolution of the existing Company and the cancelling and annulling of their memorandum and articles of association, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed by or under the said articles of association shall be as valid as if the dissolution, cancellation, and annulling had not happened; and the dissolution, cancellation, and annulling, and the operation of this Act, shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed, and to all rights, liabilities, claims, and demands, both present and future, which, if the dissolution, cancellation, and annulling had not happened, would be incident to or consequent on any and everything so done, suffered, and confirmed; and with respect to everything so done, suffered, and confirmed, and all such rights, liabilities, claims, and demands, the Company shall, to all intents and purposes, represent the existing Company. Provided that the generality of

this provision shall not be restricted by any of the other provisions of this Act.

A.D. 1869.

9. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all purchases, sales, conveyances, mortgages, bonds, deeds, securities, contracts with respect to supply of gas, and other contracts before the passing of this Act made or entered into by, to, or with respect to the existing Company, or any person on their behalf, shall continue and be as effectual to all intents for, against, and with respect to the Company, as if the same had been made or executed by, to, or with respect to the Company instead of the existing Company, and may be proceeded on and enforced by and against the Company accordingly.

Contracts,
&c. pre-
served.

10. Notwithstanding the dissolution, cancellation, and annulling aforesaid, any action, suit, prosecution, or other proceeding commenced either by or against the existing Company before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Company, in like manner to all intents and purposes as the same might continue and take effect in favour of or against the existing Company, save only that when necessary the Company shall be substituted therein for the existing Company.

Actions not
to abate.

11. If any judgment, decree, or order be at any time after the commencement of this Act obtained against the Company in respect of any debt or liability owing or incurred, or in respect of any contract made or tort committed by the Company, before the commencement of this Act, and be not fully satisfied out of the property of the Company, then and in every such case the judgment, decree, or order may be enforced and execution thereon issued against the property and effects of any person who was a member of the Company immediately before the commencement of this Act, or at the time when the contract was made or the tort was committed in respect of which the debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability to the same extent as if this Act had not been passed.

Judgment in
respect of
existing lia-
bilities may
be enforced
against
individual
shareholders.

12. Every person against whom, or against whose property or effects any such judgment, decree, or order is enforced shall be entitled to recover against the Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have

Reimburse-
ment of
shareholders
in such case.

[Ch. lxxxiv.] *The Maryport Town and Harbour* [32 & 33 VICT.]
Gas Act, 1869.

A.D. 1869. been issued, and the contribution may be recovered in like manner as contribution in ordinary cases of copartnership.

Gas rents to be paid.

13. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all gas rates or rents, meter rents, and other charges with respect to a supply of gas, which immediately before the passing of this Act were due or payable, or accruing or accrued to the existing Company, shall be payable and paid to, and may be collected and recovered by the Company in like manner as any gas rates or rents, meter rents, or charges under this Act.

Debts to be paid.

14. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all persons who immediately before the passing of this Act owed any money to the existing Company, or to any person on their behalf, shall pay the same with all interest (if any) due and payable or accruing for the same to the Company, and all monies which immediately before the passing of this Act were owing by or recoverable from the existing Company, or for the payment of which they were or but for this Act would be liable, shall be paid with all interest (if any) due and payable or accruing for the same by or be recoverable from the Company.

Books, &c. continued evidence.

15. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all documents, books, and writings which if the dissolution, cancellation, and annulling had not happened would be receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Officers continued.

16. All officers of and persons employed by the existing Company in office at the passing of this Act shall hold their respective offices and employments and be deemed to be officers of or persons employed by the Company, and they and their respective sureties shall be liable as if they respectively had been appointed and had become bound under this Act.

Capital.

17. The capital of the Company shall be fourteen thousand nine hundred and ninety-four pounds, and shall consist of stock to the amount of nine thousand three hundred and ninety-four pounds to be deemed fully paid up, and of five thousand six hundred pounds in five hundred and sixty shares of ten pounds each.

Stock vested in shareholders of existing Company.

18. The said sum of nine thousand three hundred and ninety-four pounds stock is by this Act vested in the several persons who immediately before the passing of this Act were the holders of the capital of the existing Company, in proportion to their respective holdings in and the sums which they have respectively paid up towards that capital.

19. All persons to and in whom any capital stock of the Company's capital is by this Act appropriated and vested shall be possessed of and interested in the stock so appropriated and vested, upon the same trusts and subject to the same powers, provisions, charges, and liabilities as the trusts, powers, provisions, charges, and liabilities upon and to which their respective shares of the capital of the existing Company in respect whereof the stock of the Company's capital is so appropriated and vested were immediately before the passing of this Act held and subject, and the several portions of stock so appropriated and vested shall accordingly pass so as to give effect to and not to revoke any will or other instrument disposing of or affecting those respective shares of the capital of the existing Company.

A.D. 1869.
Stock so vested to be subject to same trusts, &c. as shares of dissolved Company.

20. The Company from time to time when thereunto requested shall issue to the respective holders of the several portions of stock by this Act appropriated to and vested in the shareholders of the existing Company certificates of the stock so appropriated and vested, and in the meantime the certificates of the shares of the capital of the existing Company in respect of which the said portions of stock are so appropriated and vested shall be available for evidencing the ownership of those portions of stock respectively: Provided always, that the Company shall not be bound to issue any such certificates of stock unless or until the certificate or certificates of the shares of the capital of the existing Company in respect of which the stock is appropriated and vested has or have been delivered up to the Company to be cancelled, or it has been proved to the satisfaction of the directors of the Company that such share certificate or certificates has or have been lost or destroyed.

Company to issue certain certificates of stock so vested, &c.

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

Shares not to issue until one fifth paid up.

22. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

23. The several holders of capital stock of the Company shall be entitled to participate in the dividends and profits of the Company, and to the same privileges and advantages for the purpose of voting at meetings of the Company, qualification for the office of

Rights of stockholders.

[Ch. lxxxiv.] *The Maryport Town and Harbour* [32 & 33 VICT.]
Gas Act, 1869.

A.D. 1869. directors, and for other purposes, as if the stock had been formed by the conversion or consolidation into stock of fully paid-up shares of the capital of the Company.

Limit of dividend on part of capital.

24. The Company shall not in any year make out of their profits any larger dividend on the paid-up capital for the time being than eight pounds in respect of every hundred pounds.

Receipts of guardians, &c.

25. Where any money is payable to a shareholder being an infant or a lunatic the receipt of his guardian or of the committee of his estate (as the case may be) shall be a sufficient discharge to the Company for the same.

Power to borrow on mortgage.

26. The Company may from time to time after the passing of this Act borrow on mortgage any sum not exceeding in the whole two thousand three hundred pounds, and may also from time to time borrow on mortgage any further sum not exceeding in the whole one thousand four hundred pounds, but no part of that further sum shall be borrowed until the whole share capital of five thousand six hundred pounds by this Act authorized is subscribed for, issued, and accepted, and one half of that share capital is paid up, and the Company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such share capital has been subscribed for, issued, and accepted, and that one-half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof: Provided always, that the Company shall not borrow the sum of six hundred pounds, part of the sum of two thousand three hundred pounds which they are authorized to borrow immediately after the passing of this Act, unless and until the Company have satisfied and discharged the sum of six hundred pounds which, as above recited, they have borrowed upon their debenture bonds or other negotiable securities, with all interest due or to become due thereon.

Arrears may be enforced by appointment of a receiver.

27. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal,

or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than one tenth part of the then mortgage debt of the Company. A.D. 1869.

28. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act. Priority of existing mortgages.

29. The Company may create and issue debenture stock. Debenture stock.

30. All monies raised under this Act, whether by shares, by stock, or by borrowing, shall be applied for the purposes of this Act only. Application of monies.

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

32. The number of directors shall be seven, but the Company from time to time may reduce the number, provided that the number be not less than five. Number of directors.

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

34. The quorum of a meeting of directors shall be four, or if the number of directors be reduced to five the quorum of a meeting of directors shall be three. Quorum.

35. William Hobson, John Cockton, Henry Kenyon, William Tickle, Thomas Boyd, William Tinnion, and Charles Richard Steele shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present, in person or by proxy, may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act being if qualified eligible for re-election; and at the first ordinary meeting in every year after the first ordinary meeting the shareholders present, in person or by proxy, shall (subject to the provisions in this Act contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office in accordance with the provisions in "The Companies' Clauses Consolidation Act, 1845," contained, and the several persons elected at any such First directors.
Election of directors.

[Ch. lxxxiv.] *The Maryport Town and Harbour* [32 & 33 VICT.]
Gas Act, 1869.

A.D. 1869. — meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by that Act.

Limits of Act.

36. The limits of this Act shall be and include the following townships, parts of townships, parishes, and places; namely, the townships of Netherhall, Birkby, Crosby, and Crosscanonby, and the parish of Crosscanonby, the townships of Ellenborough and Ewanrigg, and parish of Dearham, and the parish of Flimby, all in the county of Cumberland.

Power to take additional lands by agreement.

37. The Company may from time to time, for the purposes of this Act, purchase by agreement any lands in addition to the lands by this Act vested in them, and the Company may hold the same not exceeding in the whole at one time one acre.

Power to take easements, &c. by agreement.

38. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts (Amendment Act), 1860," grant to the Company any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

Sale of superfluous lands.

39. The Company may at any time hereafter sell and dispose of any lands which are by this Act vested in them or which they may hereafter acquire and which shall not be required for the purposes of the Company, and the provisions of "The Lands Clauses Consolidation Act, 1845," sections 128 to 132 (both sections inclusive) shall apply to any such sale, and the Company may also from time to time sell and dispose of any works, buildings, or erections on any lands belonging to them which shall not be required for the purposes of the Company.

Power to maintain gasworks.

40. The Company may maintain, erect, alter, extend, enlarge, and renew the existing works of the existing Company for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom, and all proper approaches and conveniences for the purposes of such works.

No gasworks to be erected except on lands in schedule.

41. It shall not be lawful under this Act for the Company to manufacture or store gas except on the lands described in the schedule to this Act, being the lands now occupied by the existing gasworks of the existing Company.

42. Subject to the provisions of this Act and of the Acts incorporated wholly or in part with this Act, the Company may supply and sell gas for public and private consumption within the limits of this Act, and light or contract for the lighting of streets, quays, docks, and harbours, and public buildings within those limits, and store, sell, and dispose of at the works and elsewhere coke, coal, tar, culm, ammoniacal liquor, and other residual products obtained in the manufacture of gas and matters producible therefrom.

A.D. 1869.

Power to supply gas.

43. Nothing in this Act shall exonerate the Company from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

Company liable for nuisance.

44. The Company may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pipes, pillars, lamp posts, lamps, burners, and other articles and things connected with gasworks or with the supply of gas for public or private consumption, in such manner as the Company think proper, and generally may carry on such operations and business as are for the time being usually carried on by gas companies.

Power to supply gas fittings, &c.

45. All the gas supplied by the Company shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Quality of Company's gas.

46. The trustees may within twelve months from the passing of this Act erect in the Harbour Office of the trustees in the town of Maryport an experimental meter, furnished with an argand fifteen-hole burner and a seven-inch chimney, or other approved burner and chimney, capable of consuming five cubic feet of gas per hour, with other necessary apparatus so situated and arranged as to test the illuminating power of all the gas supplied to the consumers, and shall at all times keep and maintain the experimental meter and apparatus in good repair and working order, and if and when necessary renew the same.

Trustees may erect a meter to test quality of gas.

47. The trustees and the Company or any local board within the limits of this Act, or any person authorized in writing by the trustees or the Company or any such local board, shall at all reasonable times in the daytime have access to the testing place, and may test there the illuminating power of the gas supplied by the Company in the presence of an officer of the Company if attending for that purpose, and if not then in the absence of any such officer, and the Company and their officers shall afford all reasonable facilities and assistance.

Power to trustees, &c. to test.

[Ch. lxxxiv.] *The Maryport Town and Harbour* [32 & 33 VICT.]
Gas Act, 1869.

A.D. 1869.

for such testing, and if any officer of the Company on being thereunto reasonably requested wilfully obstructs such testing, or fails to afford such facilities and assistance, he shall for every such offence be liable to a penalty not exceeding ten pounds.

As to testing
the quality
of gas.

48. It shall be lawful for two justices, on the application of any consumers of the gas of the Company not being less than five in number, by order in writing to appoint some competent person to proceed to such Harbour Office, and the person so appointed may at any reasonable hour in the daytime, on producing the said order, enter such Harbour Office, and in the presence of the superintendent or other officer of the Company make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus before mentioned, and the Company and their officers shall afford all reasonable facilities and assistance for the making of such experiments, and if it shall be proved to the satisfaction of any two justices, not being shareholders of the Company, after hearing the parties, that the illuminating power of the gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the Company or their officers on being thereunto reasonably requested wilfully refused to afford such reasonable facilities as aforesaid, or wilfully hindered or prevented the making of such experiment, in any such case the Company shall forfeit such sum, not exceeding twenty pounds as the justices shall determine under the circumstances of the case.

Costs of
experiment
to be paid
according to
event.

49. The costs of and attending such experiment, including the remuneration to be paid to the person making the same and the cost of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the Company shall be paid together with such penalty by the Company, but in the event of no penalty being imposed the costs shall be in the discretion of the justices.

Price of gas.

50. The Company may charge for gas consumed by meter any prices not exceeding four shillings for every thousand cubic feet consumed in the said township of Netherhall, and not exceeding five shillings for every thousand cubic feet consumed elsewhere within the gas limits, and so in proportion for any smaller quantity consumed.

Contracts
for supplying
gas for
public pur-
poses.

51. The Company on the one hand, and the trustees and any local board of health or local board, or the trustees of any turnpike or other road or any highway board constituted in pursuance of any Act relating to highways in England, or the surveyors of any highway

A.D. 1869.

or any other corporations, bodies, or persons on the other hand, may from time to time enter into and carry into effect any contract or arrangement for the supply of gas by the Company for public purposes within the limits of this Act for any period not exceeding under any one such contract or arrangement seven years, and may from time to time by mutual consent vary, suspend, or rescind any such contract or arrangement, or enter into or carry into effect any other contracts or arrangements in lieu thereof and in addition thereto, and the trustees and any board, trustees, corporations, bodies, or persons so agreeing may apply for the purposes of any such contract or arrangement, and in payment of any periodical or other remuneration or other consideration payable to the Company under or by virtue thereof, any funds or monies which they have raised or may raise under the powers of any Act of Parliament.

52. Every consumer of gas supplied by the Company shall on being required by them consume such gas by meter, to be supplied either by the Company or (if so agreed) by the consumer, and in that case to be approved by the Company.

Consumers may be required to consume by meter.

53. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money and on such terms with respect to repair of such meter and fittings, and for securing the safety and return to the Company of such meter, as may be agreed upon between the hirer and the Company, and such remuneration shall be recoverable in the same manner as the gas rates or rents due to the Company, and such meters and fittings shall not be subject to distress for rent of the premises where the same are used, or to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the persons having possession thereof.

Power to Company to let meters.

54. The Company after twenty-four hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if there is no occupier, then to the owner or lessee of any building or lands in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of gas is from any cause other than the default of the Company discontinued, may enter such building or lands between the hours of nine in the morning and four in the afternoon (or at any other time with the authority in writing of a justice), for the purpose of removing and may remove every such pipe, meter, and fitting, repairing all damages caused by such entry or removal, and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known

Power to remove meters and fittings.

[Ch. lxxxiv.] *The Maryport Town and Harbour* [32 & 33 Vict.]
Gas Act, 1869.

A.D. 1869. place of abode or business in England, or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Notice to
Company of
putting up
meters, &c.

55. Before any person connects or disconnects any meter through which any of the gas of the Company is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of
meters.

56. Every consumer of gas of the Company shall at all times at his own expense keep all meters belonging to him whereby any gas of the Company is registered in proper order for correctly registering such gas, in default whereof the Company may cease to supply gas through such meters, and the Company shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

Register of
meter to be
primâ facie
evidence.

57. The register of the meter when in perfect working order shall be primâ facie evidence of the quantity of gas consumed by any customer of the Company, in respect of which any gas rent is charged and sought to be recovered by the Company.

Fraudu-
lently in-
juring
meters, &c.

58. If any person wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fitting belonging to the Company, or fraudulently alters the index to any meter, or fraudulently prevents any such index from duly registering the quantity of gas supplied, he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender), for every such offence be liable to a penalty not exceeding five pounds, and the Company may in addition thereto recover the amount of any damages sustained by them, and the Company may also discontinue the supply of gas to the person so offending until the injury is remedied and the amount of the damages are paid, notwithstanding any contract previously existing, and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such meter.

Company's
officers to

59. The Company's agent or other officer duly appointed for the purpose by the Company may, between the hours of nine of the

clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with gas by the Company in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of gas, and to see whether the meters, pipes, fittings, or other apparatus provided be in good repair, and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

A.D. 1869.
enter build-
ings.

60. If and whenever any person supplied with gas under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, or undue consumption of gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and may cease to supply him with gas as long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by them by reason thereof, and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

For prevent-
ing frauds
and waste of
gas.

61. If any person fails on demand to pay any gas rate, rent, meter rent, rate, damages, costs, expenses, or other sum due to or recoverable by the Company under this Act, or any Act incorporated wholly or in part with this Act, they may recover the same by proceedings in any court of competent jurisdiction, or if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned), and any justice may issue his warrant accordingly, and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent, rate, damages, costs, expenses, or other sum.

Recovery of
sums due.

62. In case any consumer of the gas of the Company shall leave the premises where such gas has been supplied to him without paying to the Company the gas rate, rent, or meter rent due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming
tenant not
liable to pay
arrears of
gas rent, &c.

63. A justice or a judge of any court shall not (except as in this Act expressly provided) be disqualified from acting in the execution

Liability to
gas rent not

[Ch. lxxxiv.] *The Maryport Town and Harbour* [32 & 33 VICT.]
Gas Act, 1869.

A.D. 1869. of this Act by reason of his being liable to the payment of any gas
to disqualify rent, meter rent, rate, or charge under this Act, or of his being a
justice, &c. shareholder of the Company.

Contract with Com- 64. Any person entering into any contract with the Company
pany not to disqualify director, &c. for a supply of gas or for a gas meter shall not thereby be disabled
from being, continuing, or acting as a director, or as an officer or
servant of the Company, or incur any penalty by reason of such
contract, or of his being, continuing, or acting as such director or
officer or servant:

Contents of summons, &c. 65. Any summons or warrant issued for any of the purposes of
this Act may contain in the body thereof or in a schedule thereto
several names and several sums.

Costs of distress. 66. Any justice who issues a warrant of distress for any of the
purposes of this Act may order that the costs of the proceedings for
recovery of the money to be levied be paid by the person liable to
pay such money, and in that case such costs shall be ascertained by
the justice and shall be included in the warrant of distress.

Penalties not cumulative. 67. Penalties imposed on the Company for one and the same
offence by several Acts of Parliament shall not be cumulative, and
for this purpose this Act and any Act incorporated wholly or in
part with this Act shall be deemed several Acts.

Trustees not to supply gas other than for lighthouses, harbour, town, and district lamps. 68. It shall not be lawful for the trustees to make and supply
gas other than for lighting the lighthouses, the harbour lamps, the
town and district lamps, and for the purposes specified in section 104
of "The Maryport Improvement and Harbour Act, 1866," until
they have purchased the undertaking of the Company either by
agreement or at a price to be fixed by arbitration as herein-after
provided.

Power to trustees to purchase Company's works. 69. The trustees may at any time after the passing of this Act,
by requisition in writing delivered to the Company, require to
purchase, and the Company upon the receipt of such requisition
shall sell to the trustees all the undertaking of the Company, and
all the estate and interest of the Company in their gasworks, mains,
pipes, and other works and stock in trade and property and effects
of what kind soever, for such price and upon such terms as shall be
mutually agreed upon between the trustees and the Company, and
failing such agreement upon such terms and at such price as shall
be fixed by arbitration according to the provisions of "The Lands
Clauses Consolidation Act, 1845," for settling questions of disputed
compensation (except where herein-after by this Act expressly
varied), and for the purposes of such arbitration the trustees shall

A.D. 1869.

be considered the promoters of the undertaking: Provided always, in case such purchase be effected by the trustees, no claim shall be made by the Company in respect of compulsory sale, and the costs of the arbitration and award shall be in the discretion of the arbitrators, sole arbitrator, or umpire, as the case may be.

70. When such purchase shall have been effected by the trustees they shall be entitled to charge for gas only such prices as the Company are empowered to charge by section 50 of this Act.

Price of gas to be charged by trustees.

71. The trustees and the Company, for the better carrying out the purposes specified in section 69 of this Act, are hereby empowered to appoint an arbitrator or arbitrators, and to submit any matter in dispute to arbitration as herein-before provided.

Power to trustees, &c. to appoint arbitrators.

72. If within three months after any requisition to purchase, delivered under this Act, an agreement has not been made to purchase, or arbitrators and an umpire or a sole arbitrator have or has not been appointed, or if any such arbitrators or umpire or sole arbitrator fail within one month of their or his appointment to make an award, then and in any or either of the said cases, or in case the arbitrators appointed by the Company and the trustees fail for seven days after their appointment to appoint an umpire, the Board of Trade shall, upon the requisition of either party, appoint a person to act as sole arbitrator, whose decision shall be final and binding on all parties.

Trustees, &c. failing to appoint arbitrators, Board of Trade upon requisition to appoint one.

73. Any works to be constructed, in carrying into execution this Act in close proximity to or in any way affecting any railway of the London and North-western Railway Company, or its bridges or works, or any lands or property of that Company, shall be done under the superintendence and to the reasonable satisfaction of their principal engineer for the time being, and according to plans to be reasonably approved by him before any such works are begun, but in all things at the expense of the Company, and so as to cause no injury to or interference with any such railway, bridges, works, lands, or property, or the passage or conduct of traffic over any such railway, or at any station thereof; and if any such injury or interference shall arise to any such railway, bridges, works, lands, or property, the Company shall make full satisfaction to that Company in respect of such injury or interference.

As to works affecting London and North-western Railway Company.

74. 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.

Expenses of Act.

A.D. 1869.

SCHEDULE referred to in the foregoing Act.

A piece of land containing by admeasurement 989 square yards or thereabouts, bounded on or towards the north-west by a street or lane called Nelson Street or Lane, on or towards the south-west by land and buildings belonging or reputed to belong to and in the occupation of John Irving, on or towards the north-east by land and buildings belonging or reputed to belong to and in the occupation of William Pearson, and on or towards the south-east by land belonging or reputed to belong to Joseph Pocklington Senhouse and Elizabeth his wife, and in the occupation of William Lawson; and another piece of land containing by admeasurement 884 square yards or thereabouts, bounded on or towards the north-west by the said street or lane called Nelson Street or Lane, on or towards the south-west by land and buildings belonging or reputed to belong to Thomas Tickle and John Rintoul Tickle, either or both of them, and in the occupation of the said John Rintoul Tickle, on or towards the north-east by land or ground belonging or reputed to belong to and in the occupation of William Pearson, and on or towards the south-east by land belonging or reputed to belong to Joseph Pocklington Senhouse and Elizabeth his wife, and in the occupation of William Lawson.