



CHAPTER lxxxiii.

An Act to authorise the transfer of the Undertaking of the
Cleator Moor Gas Company Limited to the Cleator Moor
Local Board and for other purposes. [20th June 1892.]

A.D. 1892.

WHEREAS the Cleator Moor Gas Company Limited (in this Act called "the company") was formed by a memorandum of association dated the eleventh day of July one thousand eight hundred and seventy-one and was duly incorporated and registered under the Companies Acts 1862 to 1867 for the manufacture supply and sale of gas and residual products at Cleator Moor and other places in the county of Cumberland :

And whereas by the Cleator Moor Gas Order 1872 the company was authorised to erect and maintain gasworks and to supply and sell gas within their limits of supply and to carry on the business usually carried on by gas companies :

And whereas the capital of the company consists of one thousand five hundred and thirty-seven ordinary shares of five pounds each and nine hundred and sixty-three five pounds four and a half per centum preference shares making together twelve thousand five hundred pounds all of which shares have been fully subscribed and paid up :

And whereas the company have no mortgage debt :

And whereas the company have purchased the lands described in the schedule to the said order and the First Schedule to this Act and have erected gasworks thereon and have for some years past supplied gas in the district of the Cleator Moor Local Board and in certain portions of the parishes of Egremont and Hensingham in the county of Cumberland :

And whereas the parish of Cleator in the county of Cumberland is a local government district and the Cleator Moor Local Board (in this Act called "the Local Board") are the urban sanitary authority for the said district :

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And whereas it would be of advantage to the district and the neighbourhood thereof if the undertaking of the company were transferred to and vested in the Local Board :

And whereas the Local Board and the company have entered into an agreement (in this Act referred to as "the scheduled agreement") a copy whereof is set forth in the Second Schedule to this Act for such transfer and vesting and it is expedient that the scheduled agreement be confirmed and that provisions such as are in this Act contained be made for the winding up and dissolution of the company :

And whereas it is expedient that the limits for the supply of gas by the Local Board should include the whole of the district of the Cleator Moor Local Board in the said county in addition to the area of supply named in the said Cleator Moor Gas Order 1872 :

And whereas it is expedient that the Local Board be authorised to borrow money and apply their funds for the purposes of this Act :

And whereas estimates have been prepared by the Local Board showing that in addition to the money required for the purchase of the works and undertaking of the company they will require to borrow for additions to the works and extension of mains and services to the extended limits by this Act authorised being permanent works within the meaning of section 234 of the Public Health Act 1875 a further sum of money amounting to fourteen thousand pounds :

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

And whereas eight being a majority of the whole number of the Local Board at a meeting held on the ninth day of November 1891 after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Cumberland Pacquet" a local newspaper circulated in the Local Board district of Cleator Moor (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expenses in relation to promoting the Bill for this Act should be charged on the general district rate of the Local Board :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by eight being a majority of the whole number of the Local Board at a further special meeting held in pursuance of a similar notice on the 11th day of January 1892 being not less than fourteen days after the deposit of the Bill in Parliament :

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And whereas the owners and ratepayers of the said Local Board district of Cleator Moor by resolution in the manner provided in the Third Schedule to the Public Health Act 1875 consented to the promotion of the Bill for this Act: A.D. 1892.

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

1. This Act may for all purposes be cited as the Cleator Moor Local Board (Gas) Act 1892. Short title.

2. In this Act—

The term "undertaking" or "the gas undertaking" in relation to the company means the property and undertaking of the company as defined in the scheduled agreement subject to all contracts debts obligations and liabilities affecting the same transferred to and vested in and to be managed and carried on by the Local Board under and by virtue of this Act:

Interpretation of terms.

The term "the transfer" means the transfer to and the vesting in the Local Board of the said undertaking of the company subject as aforesaid:

Terms to which meanings are assigned in enactments incorporated with this Act or in the Public Health Acts or which have therein special meanings have in this Act the same respective meanings and in this Act and (for the purposes of this Act) in enactments incorporated with this Act the term "court of competent jurisdiction" or any other like term shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

3. The Lands Clauses Acts (except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect to entry upon lands by the promoters of the undertaking) the Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit) are (save where expressly excepted or varied by this Act) incorporated with and form part of this Act and the Gasworks Clauses Act 1871 (except section 7 relating to shareholders and section 35 accounts &c.) shall apply to the gas undertaking of the Local Board.

Incorporation of general Acts.

4. The Cleator Moor Gas Order 1872 is hereby repealed.

Repeal of Cleator Moor Gas Order 1872.

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Act to be
executed by
Local Board.

5. This Act shall be carried into execution by the Local Board according to the Public Health Act 1875 and with all the rights powers privileges exemptions and authorities conferred and subject to all the duties liabilities and obligations imposed by or in pursuance of that Act on the Local Board and their committees officers agents and servants with respect to matters provided for by or comprised in the same Act and (subject to the provisions of this Act) as nearly as may be in all respects with the same incidents and consequences as if the rights powers privileges exemptions authorities duties liabilities obligations and property vested in imposed on or to be exercised used or enjoyed by the Local Board by under or in pursuance of this Act were vested in imposed on or exercised used or enjoyed by them by under or in pursuance of the Public Health Act 1875.

Limits of
Act.

6. The limits of this Act shall be the whole of the district of the Local Board in the county of Cumberland and the present authorised limits of the company in the parishes of Egremont and Hensingham in the said county viz. Those portions of the parish of Egremont lying between the parish of Cleator and an imaginary line commencing at the centre of the south side of Low Keekle Bridge in the parish of Egremont and proceeding thence in a south-westwardly direction on the south side of the road leading from Cleator towards Wood End to the west side of Gutterby Lane from thence in a northwardly direction on the west side of the said lane to the south-east corner of Church Street Moor Row at its junction with Gutterby Lane and proceeding thence on the south side of the highway leading from Moor Row towards Scalegill Place forty-six yards and from thence proceeding in a westwardly direction across the last-mentioned highway two hundred and four yards and from thence in a northwardly direction two hundred and nine yards until the said line joins the London and North Western and Furness (Joint) Companies Railway on the north side thereof and from thence along the said railway in an eastwardly direction until the said line joins the boundary dividing the said parish of Egremont from the parish of Hensingham and that portion of the parish of Hensingham known as Low Keekle.

Confirmation
of scheduled
agreement.

7. The scheduled agreement is hereby confirmed and made binding upon the Local Board and the company and full effect shall be given thereto as if the same had been expressly enacted in this Act and the company shall sell to the Local Board and the Local Board shall purchase the undertaking for such consideration to be paid at such time and in such manner and generally on such terms as are in the scheduled agreement set forth.

8. The sale of the undertaking shall be carried into effect by a deed duly stamped and truly stating the consideration which deed may be in the form set forth in the Third Schedule to this Act or to the like effect with such variations and additions as circumstances require and on the execution of that deed by the company the undertaking shall by virtue of that deed and of this Act become and shall thenceforth be transferred to and vested in the Local Board subject and according to the provisions of this Act and free as between the company and the Local Board from all contracts obligations debts and liabilities and incumbrances affecting the same and thenceforth the Local Board shall have and hold the undertaking.

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Transfer of
undertaking
to be by
deed.

The deed of conveyance shall within three months from its date be produced duly stamped to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of the deed shall be recoverable from the Local Board with full costs of suit and all costs and charges attending the same.

9. The receipt in writing of three of the directors of the company for the purchase money or any other sum to be paid to them by the Local Board shall effectually discharge the Local Board from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss mis-application or non-application thereof.

Receipt for
purchase
money.

10. The company shall hold the purchase money of the undertaking when paid in trust to distribute the same between the ordinary and preference shareholders rateably and in proportion to their respective shares in the undertaking and the residue of the assets of the company (including the reserve fund) shall after payment of all costs debts liabilities and remuneration to officers be divided pro rata amongst the ordinary shareholders and the directors of the company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for paying and discharging the debts and liabilities and distributing the purchase money and assets and winding up the affairs of the company. If however the number of the directors of the company be reduced by death resignation or otherwise below four before the completion of such winding up the continuing directors may from time to time choose a member or members of the company to fill the vacancy or vacancies so caused.

Application
of purchase
money.

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Company's
books
evidence as
to share-
holders.

11. The persons who at the date of the transfer appear in the books of the company to be proprietors of shares in the capital of the company shall unless the contrary is proved to the satisfaction of the directors thereof be considered to be shareholders thereof for the purposes of the distribution of the company's assets.

Receipts of
executors of
shareholders
to be dis-
charges.

12. The receipt of the trustee guardian executors or administrators of a shareholder in the company shall be an effectual discharge to the company and to the directors thereof for so much money as is therein expressed to be received.

Payment
into court by
directors.

13. Where the directors of the company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the undertaking or other assets of the company is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the High Court or if not exceeding five hundred pounds into the county court of Cumberland holden at Whitehaven under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the company and directors from all further liability with respect to the moneys so paid.

Company's
debts to be
paid.

14. All debts rents charges and sums of money which at the time of the transfer are due or owing to or from the company shall be paid discharged settled and satisfied as if this Act had not been passed.

Pending
actions &c.
against the
company.

15. If at the time of the transfer any action suit or cause of action suit or proceeding is pending or existing against the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against the Local Board as and when it might have been continued prosecuted and enforced against the company if this Act had not been passed but not further or otherwise but without prejudice nevertheless to any remedy against the company under any security or indemnity given by the company to the Local Board.

Contracts of
company
to be binding
on Local
Board.

16. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the time of the transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the

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Local Board and may be enforced as fully and effectually as if instead of the company the Local Board had been a party thereto. A.D. 1892.

17. When and so soon as the said purchase money shall have been appropriated and divided in manner herein-before directed the directors of the company may exercise all powers necessary for winding up the affairs of the company and when and as soon as their affairs have been wound up and all their debts and liabilities paid and satisfied the company shall be by virtue of this Act actually dissolved. Winding up and dissolution of company.

18. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same and the like matter for or against the Local Board. Books &c. to remain evidence.

19. The Local Board may from time to time borrow at interest on the security of the district fund and the general district rate and of the revenue of their gas undertaking as follows (that is to say) :— Power to borrow.

For the purpose of paying the costs of this Act as herein-after defined the sum requisite for that purpose :

For the purpose of acquiring the works and undertaking of the company such sum as shall be equal to the amounts to be paid by the Local Board to the company under the provisions of this Act :

For the purpose of the construction of further works by this Act authorised being permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875 such sum or sums of money as the Local Board from time to time think requisite not exceeding the sum of fourteen thousand pounds :

And may mortgage their district fund and the general district rate and the revenue of their gas undertaking either together or separately as a security for the repayment of the moneys so borrowed with interest accordingly Provided always that the power of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the Local Board may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow under this Act shall not be reckoned.

20.—(1.) The Local Board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any Power to borrow under Local Loans Act 1875.

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part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

(2.) Any moneys borrowed in manner by this section authorised shall be a charge on the district fund and general district rate and the revenue of the gas undertaking or some or one of them and such fund rate and revenue shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

(3.) Every such loan shall be discharged within the period prescribed by this Act.

Provisions as
to mort-
gages.

21. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):—

Section 236—Form of mortgage;

Section 237—Register of mortgages;

Section 238—Transfer of mortgages; and

Section 239—Receiver may be appointed in certain cases.

Repayment
of borrowed
moneys.

22. The Local Board shall except when otherwise expressly provided pay off all moneys borrowed by them under the powers of this Act as follows (that is to say):—

(1.) Either by yearly or half-yearly instalments of principal or of principal and interest combined as regards money borrowed for the purchase of the undertaking and for the additions and extensions by this Act authorised within fifty years from the time of borrowing and as regards money borrowed to defray the costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto within a period of ten years from the time of borrowing:

Provided that when the payment shall not be made by equal instalments of principal the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys of which such instalment or instalments form part shall in every year amount to the same sum:

(2.) Or by a sinking fund to be annually set apart and accumulated at compound interest and to be applied and invested in manner herein-after prescribed. The annual sums to be so set apart shall be such equal annual sums as with the accumulations thereof at compound interest at a rate not exceeding three

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pounds per centum per annum will be sufficient to pay off the said principal sums in the said respective periods. A.D. 1892.

23. The Local Board may from time to time apply the whole or any part of the sinking fund in or towards the discharge of the principal moneys for the discharge of which such fund has been established. Provided that they pay in such year into the fund and accumulate until the whole of the principal moneys in respect of which the fund has been established shall have been discharged a sum equivalent to the interest of the fund or part of the fund so applied at a rate not exceeding three pounds per centum per annum. Provided also that when the amount standing to the credit of the sinking fund shall be equal to the amount of the loans outstanding for the repayment of which it was set aside the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such period discontinue the payment to the sinking fund of the yearly sums by this Act required to be paid thereto. Application
of sinking
fund.

24. All sums paid into the sinking fund under the provisions of this Act and the dividends interest and annual income thereof shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or in any debentures or debenture stock issued under the powers of the Local Loans Act by any local authority other than the Local Board. And if and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any deficiency shall be made good out of the respective funds or rates which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any such excess may be applied as part of such equal annual payments. Sinking fund
how to be
invested.

25. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments or appropriations or by annual repayments or by means of a sinking fund or out of the proceeds of the sale of lands or other moneys received on capital account other than borrowed moneys they may re-borrow the same and so from time to time: Power to
re-borrow.

Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of

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Local Board
not to regard
trusts.

26. The Local Board shall not be bound to see to the execution of any trust whether express or implied or constructive to which any mortgage granted by them may be subject and the receipt of the party in whose name any such mortgage stands in the register of mortgages of the Local Board shall from time to time be a sufficient discharge to the Local Board in respect thereof notwithstanding any trusts to which such mortgage may be subject and whether or not the Local Board have had express or implied notice of any such trust or any charge or incumbrance upon or transfer of such mortgage or interest thereon not entered in their register and the Local Board shall not be bound to see to the application of the money for which such receipt shall have been given or be answerable or accountable for any loss misapplication or non-application of any such money.

Protection of
lenders from
inquiry.

27. A person lending money to the Local Board shall not be bound to inquire as to the observance by the Local Board of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Priority of
existing
mortgages.

28. All mortgages granted by the Local Board subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Application
of revenue.

29. The Local Board shall keep accounts in respect of their gas undertaking separate from all their other accounts and shall apply all money from time to time received by them in respect of the gas undertaking except borrowed money and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

- (1.) In payment of their costs charges and expenses of and incidental to the collecting and recovering of gas rents and rates and of the borrowing of money under this Act ;
- (2.) In payment of the working and establishment expenses and cost of maintenance of their gas undertaking ;
- (3.) In providing the moneys required to pay the interest on moneys borrowed by them under this Act ;

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(4.) In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act; A.D. 1892.

(5.) In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in such securities as they are for the time being authorised to invest their sinking fund in and accumulating the same at compound interest until the fund so formed amounts to one thousand five hundred pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Local Board from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Local Board in respect of that undertaking or to the improving and extending their gas undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of one thousand five hundred pounds and so from time to time as often as such reduction happens:

And the Local Board shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Local Board not be required for carrying on their gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to one thousand five hundred pounds.

30. The provisions of the Public Health Act 1875 relating to the audit of accounts of local boards as amended by the District Auditors Act 1879 shall apply and be observed with respect to the accounts kept under the provisions of this Act and section 245 of the Public Health Act 1875 shall apply to all accounts under this Act. Audit of accounts.

31. All moneys borrowed by the Local Board under this Act shall be applied to the several purposes of this Act in respect of which the same were respectively borrowed and to which capital is properly applicable and not otherwise. Application of money borrowed.

32. The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has Annual return to Local Government Board with respect to sinking fund.

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been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that sinking fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Power to
purchase
lands by
agreement.

33. In addition to the lands described in the First Schedule to this Act the Local Board may from time to time purchase by agreement and may hold for any of the purposes of this Act any lands within the limits of this Act not exceeding in the whole at any one time two acres but the Local Board shall not create or permit a nuisance on any such lands and no lands shall be used by the Local Board for the manufacture of gas or residual products except the lands described in the First Schedule to this Act.

Application
of moneys
from sales
&c. of land.

34. The Local Board shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises acquired by them under the powers of this Act or by way of fine or premium on any lease of any such lands or premises in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Local Board and any such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

35. 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 Local Board any easement right or privilege (not being an easement of water) 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.

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Power to take easements &c. by agreement.

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

Restriction on taking houses of labouring class.

37. From and after the transfer and subject to the provisions of this Act the Local Board may from time to time maintain alter improve enlarge extend and renew or discontinue the existing gasworks of the company upon the lands described in the First Schedule to this Act and they may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell and provide and supply let or hire and deal in coke tar pitch asphaltum ammoniacal liquor lime and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes stoves appliances for the lighting warming or ventilating of houses and buildings or for motive power gas cooking apparatus and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Power to maintain gasworks and deal in residual products &c.

38. The Local Board may take hold and use patent rights or licenses or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion

Power to hold licenses under letters patent.

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Supply of
gas in bulk
&c.

39. The Local Board may supply gas in bulk to any corporation local board trustees surveyors or other local or sanitary authority bodies companies person or persons whatever within the gas limits upon such terms and conditions as may be agreed upon and may also supply gas beyond the gas limits to any premises now supplied with gas by the company.

Power to lay
pipes for
lighting
buildings.

40. The Local Board may with the consent of the owner and occupier of any building lay any pipe branch or other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting the same and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue or remove any such pipe branch or apparatus.

Difference
with railway
and other
companies.

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

Price of gas.

42. It shall not be lawful for the Local Board to demand and receive for gas supplied by them by meter any sum exceeding the sum of four shillings and sevenpence for every one thousand cubic feet of gas so supplied.

Rebates on
gas rents.

43. The Local Board may allow discounts or rebates not exceeding in any case twenty per centum to consumers of gas in consideration of prompt payment of gas rents and of large consumption upon such scale and subject to such conditions and regulations as may be agreed upon by the Local Board or their clerk on their behalf and such consumer.

Quality of
gas.

44. The quality of gas supplied by the Local Board shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles.

Pressure of
gas.

45. All gas supplied by the Local Board to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in

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height and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place not being the immediate approach to any railway bridge or railway station vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Local Board of the time and place at which such testing shall be conducted. A.D. 1892.

46. The Local Board shall within six months after the transfer cause to be provided at their gasworks a testing place with apparatus according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing the gas shall be a Sugg's London Argand Number 1 with a six inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six inch by two inch chimney shall be used. Testing place.

47. Any deficiency in the revenues and receipts of the Local Board on account of the gas undertaking to make any of the payments or provide any of the funds to which the moneys received by them in respect of the gas undertaking are applicable as aforesaid shall be from time to time made good out of the general district rate. As to deficiency in receipts.

48. Where any money is deposited by any person by way of security with the Local Board for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Local Board shall pay interest at the rate of five pounds per centum per annum for every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Local Board to pay interest on deposit.

49. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Local Board without paying all gas or meter rents due from him the Local Board may refuse to furnish him a supply of gas until he pays the same. Power to refuse to supply persons in debt for other property.

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Gas consumers to give notice to Local Board before removing.

50. Twenty-four hours notice in writing shall be given to the Local Board by every gas consumer before he shall quit any premises supplied with gas by meter by the Local Board and in default of such notice the consumer so quitting shall be liable to pay to the Local Board the moneys accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises.

Authentication of notices.

51. When any summons demand or other document to be given by the Local Board requires authentication by the Local Board the signature thereof by the clerk of the Local Board or other officer duly authorised shall be a sufficient authentication.

Contracts for gas not to disqualify.

52. No person shall be disqualified from being continuing or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of gas or other matters articles or things under this Act nor shall any mortgagee of the gas revenue be disqualified as a member of the Local Board by reason of his being a mortgagee but no member shall vote upon any question in which he is interested personally otherwise than as a consumer of the gas of the Local Board.

As to penalties.

53. Penalties recovered by the Local Board under this Act shall belong to the Local Board and shall be paid to their treasurer and shall be applied in the manner herein-before provided with respect to moneys from time to time received by them in respect of the undertaking Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for that purpose this Act and the Acts incorporated wholly or in part herewith shall be deemed several Acts.

For the protection of the London and North Western and Furness Railway Companies.

54. The following provisions for the protection of the London and North Western Railway Company and the Furness Railway Company (in this section called "the railway companies") shall be in force and have effect and be binding on the Local Board both in respect of the railways jointly as well as those separately owned by those companies:—

In laying down and executing or in effecting the repairs alterations or renewals under this Act (other than urgent repairs in case of accident) of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the said railway companies or either of them or the bridges approaches viaducts stations or other works or any level

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crossings of or repairable or used by such railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway companies or of the Company whose railway may be so affected and only according to such plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him unless such engineer fails to signify his approval or disapproval or to give other directions within one month after the submission of such plans and sections as aforesaid and in all things by and at the expense of the Local Board who also shall restore and make good the roads over any such bridges level crossings and approaches which the said railway companies or either of them are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Local Board and all such works matters and things shall be constructed executed maintained and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to or interference with the passage or conduct of the traffic over such railways or at any station thereon And if any such injury or interruption as aforesaid or any damage or injury to any passengers goods or merchandise conveyed upon the said railways shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any railway siding bridge or level crossing the Local Board shall make compensation in respect thereof to the said railway companies or to such of them as may be affected thereby and also to all persons entitled to any compensation The Local Board shall also indemnify the said railway companies and each of them against all losses costs charges damages and expenses which may be incurred by or recovered from the said railway companies or either of them by reason of any such damage or injury as aforesaid to any passengers goods or merchandise conveyed upon the said railways Provided that the Local Board shall not under this section be liable to make any compensation to or indemnify the railway companies or other persons for any injury interruption damage losses costs charges or expenses as aforesaid which may have been caused by any act negligence or default of the said railway companies or either of them Any moneys payable by the Local Board under

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— this section shall be recoverable from the Local Board by all and the same means as any simple contract debt is recoverable.

Costs to be
paid by
Local Board.

55. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act and the costs charges and expenses of and incidental to the transfer and the negotiating such transfer (including the cost incurred by the Local Board in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act) and all matters relating thereto such costs to be taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the district fund or out of the money to be borrowed by the Local Board under this Act Provided always that it shall be lawful for the Local Board to pay all or any part of such costs charges and expenses in the first instance out of any moneys in their possession or under their control or to be received by them under this Act or the Public Health Act 1875 but in such case the Local Board shall as soon as practicable after the passing of this Act borrow and raise money under or in pursuance of this Act for the purpose of paying such costs charges and expenses and shall place or carry such money to the credit of the fund or moneys from which such costs charges and expenses shall have been paid in the first instance.

The SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

LAND FORMING THE SITE OF THE COMPANY'S WORKS.

All those two pieces or parcels of land situate in the parish of Cleator in the county of Cumberland now or lately part of Cleator Moor in the same parish containing together by admeasurement one acre one rood and thirty-two perches or thereabouts bounded on or towards the north-east by land the property or reputed property of Thomas Dixon Esquire and the boundary between the said parish of Cleator and the township of Frizington in the said county on or towards the south by the railway of the London and North Western and Furness (Joint) Railway Companies and on or towards the north-west by the road leading from Cleator Moor to Birks called the Birks Road except where the same is divided therefrom by the row of dwelling-houses erected on land lately belonging or reputed to belong to the company and the dwelling-house and premises belonging or reputed to belong to George Watson and which said pieces or parcels of land are numbered 144 and 145 on the Ordnance map of the said parish of Cleator and are now in the possession of the company.

SECOND SCHEDULE.

AN AGREEMENT made this fifth day of October one thousand eight hundred and ninety-one between THE CLEATOR MOOR GAS COMPANY LIMITED (herein-after referred to as "the Company") of the one part and the CLEATOR MOOR LOCAL BOARD (herein-after referred to as "the Local Board") of the other part whereby it is agreed as follows:—

1. The company shall sell and the Local Board shall purchase all those the gasworks lands buildings retorts mains pipes machinery apparatus plant rights powers privileges and all other the real and personal property and effects of the company of whatsoever kind or nature or wheresoever situated except money in hand on current or deposit account debts due to the company and stock-in-trade (all of which with the exception aforesaid are herein-after referred to as the undertaking).

2. The consideration for the purchase shall be the sum of sixteen thousand pounds and shall be paid by the Local Board at the office of the company on the

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A.D. 1892. thirtieth day of September one thousand eight hundred and ninety-two or on such earlier or later date as may be hereafter agreed upon (which date is hereinafter referred to as the date of transfer) on which date the purchase money being first duly paid the purchase shall be completed and the company shall execute and deliver to the Local Board all proper deeds and conveyances or other deeds to be prepared by and at the expense of the Local Board and the undertaking shall thenceforth become vested in the Local Board.

3. The company shall deliver to the Local Board an abstract of their title to the lands agreed to be sold and the conveyances or assignments of the lands to the company shall be accepted by the Local Board as valid and sufficient title thereto.

4. The company shall carry on the business as heretofore until the date of transfer at their own risk and for their own profit and shall maintain and keep the undertaking in as good a state of repair as it now is (reasonable wear and tear only excepted) and from the date hereof until the date of transfer shall expend on repairs and renewals a sum equal to the rate of one hundred and twenty pounds per annum.

5. On the date of transfer the company shall have in their gasholder forty-five thousand cubic feet of gas of at least equal quality as that now supplied by them. The Local Board shall also be entitled to purchase from the company such portion of their stock-in-trade as they may think necessary and the price to be paid by the Local Board for such gas and stock-in-trade shall be such as may be determined by the company's manager and the Local Board's surveyor and shall be in addition to the aforesaid sum of sixteen thousand pounds.

6. The company shall allow the persons appointed by the Local Board reasonable access to all their plans books deeds and documents (except minute books and registers of the company) at any time between nine o'clock in the morning and four o'clock in the afternoon.

7. The company shall pay all their debts and liabilities (whether on capital or revenue account) up to the date of transfer and shall not enter into any contract extending more than six months beyond the thirtieth day of September one thousand eight hundred and ninety-two without the sanction of the Local Board being previously given thereto.

8. All officers or persons in office or employment at the date of transfer shall (subject to and so far as may be in accordance with the provisions of the Public Health Act 1875) continue in their respective offices or employments on the same terms and conditions as they now hold such office or employment.

9. The Local Board shall at their own expense use their best endeavours to procure in the next session of Parliament an Act with such clauses as may be necessary to carry this agreement into effect and the company shall as far as they can but at the expense of the Local Board aid and assist the Local Board in obtaining the said Act.

10. The Local Board shall use their best endeavours to obtain the insertion in the said Act of such provisions as the company shall consider proper and

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sufficient to enable them to divide the purchase and other moneys among the shareholders and to wind up and dissolve the company. A.D. 1892.

11. The company and the Local Board shall each bear their own costs charges and expenses preliminary and incidental to the negotiation for the sale and the preparation and execution of this agreement.

12. In the event of the company and the Local Board not being authorised by Parliament to perform and carry out this agreement then the same shall be void and of no effect.

13. Should any question or difference hereafter arise between the company and the Local Board as to the construction of this agreement or otherwise in relation thereto then (unless it can be otherwise satisfactorily arranged and disposed of) the same shall be determined under and subject to the provisions of the Arbitration Act 1889 and the Board of Trade shall appoint a sole arbitrator.

In witness whereof the company and the Local Board have hereunto set and affixed their respective common seals the day and year first above mentioned.

Passed under the common seal of the Cleator Moor Gas Company Limited in the presence of

JOHN JENKINS Chairman
GEORGE BOYD
M. W. COULTHARD
HENRY BELL
WILLIAM JACKSON

} Directors.

L.S.

ROWLAND BAXTER
Secretary to the Company.

Passed under the common seal of the Cleator Moor Local Board in the presence of

ROBERT ROBERTSON
EDWARD PRITCHARD
WILLIAM HEATHCOTE

} Members.

L.S.

HENRY ROTHERY
Clerk to the Local Board.

THIRD SCHEDULE.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY TO LOCAL BOARD.

In pursuance of and subject to the provisions of the Cleator Moor Local Board (Gas) Act 1892 and in consideration of the Cleator Moor Gas Company Limited do hereby grant convey and assign their under-

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hold the same unto them their successors and assigns as from the day
of one thousand eight hundred and ninety and the said Local
Board do hereby accept the same accordingly.

In witness whereof the parties hereto have hereto set their respective common
seals this day of one thousand eight hundred and
ninety

L.S.

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