ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xix.

An Act to authorize a Transfer of the Undertaking and Powers of "The *Carlisle* Gaslight and Coke Company" to the Mayor, Aldermen, and Citizens of the City of *Carlisle*; to enable them to light the said City and the Environs thereof, and to raise Money for such Purposes; to repeal or amend and extend the Powers of the several Acts for lighting the said City and Environs; and for other Purposes. [10th *June* 1850.]

WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for lighting the City of* Carlisle *and the Suburbs* 59 G. 3. c. 40.
thereof with Gas, the Mayor, Aldermen, Bailiffs, and Citizens of the City of *Carlisle*, and the several Persons in the said Act named, and such other Persons as should from Time to Time become Proprietors of the Company thereby established, were united into a Company and incorporated by the Name of "The *Carlisle* Gaslight and Coke Company,"

for the Purpose of lighting with Gas the City of *Carlisle* and the Suburbs and Liberties and Precincts thereof respectively, or any of them, and the Parishes or Places adjacent thereto: And whereas the City of *Carlisle* and the Environs thereof are now supplied or authorized to be supplied with Gas by the said Company: And whereas by an Act passed in the Forty-fourth Year of the Reign of His said

44 G. 3. c. 58. Majesty King *George* the Third, intituled *An Act for lighting the Streets, Lanes, and other public Passages and Places within the City of* Carlisle *in the County of* Cumberland *and the Suburbs of the said City, for paving the Footpaths of the Streets of the said City and Suburbs, and for otherwise improving the said City*, the Mayor, Recorder, and Aldermen of the City of *Carlisle*, and certain Persons mentioned in the said Act, and their Successors, to be elected as therein-after mentioned, were appointed Commissioners for putting the said Act in execution, and were empowered, amongst other things, to light or contract for the lighting of the Streets, Lanes, and other public Passages and Places within the said City or the Suburbs thereof: And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King

5 & 6 W. 4. c. 76. *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, it was provided, that the Trustees under any Act or Acts of Parliament for paving, lighting, cleansing, watching, regulating, supplying with Water, and improving any Borough or Part of any Borough, might (if not beneficially interested) at a Meeting to be called for the Purpose transfer all the Powers vested in them under any such Act or Acts to the Body Corporate of such Borough, and the said Body Corporate should thenceforth be Trustee for executing by the Council of such Borough the Powers and Provisions of any such Act or Acts of Parliament, and the Members of the said Council should have the same Powers and be subject to the same Duties as if their Names had been originally inserted in such Act or Acts, or as if they had been elected under the Provisions of such Act or Acts as such Trustees respectively: And whereas at a Special General Meeting of the Commissioners appointed for carrying into execution the said secondly-recited Act, held on the Twenty-sixth Day of *March* One thousand eight hundred and thirty-nine, the said Commissioners, by a Transfer in Writing under their Hands and Seals dated the said Twenty-sixth Day of *March* One thousand eight hundred and thirty-nine, transferred all the Powers by the said secondly-recited Act vested in them the said Commissioners, and all the Real and Personal Estate whatsoever of them the said Commissioners, unto the Mayor, Aldermen, and Citizens of the said City of *Carlisle*, and their Successors, to the Intent that the said Mayor, Aldermen, and Citizens, and their Successors, should thenceforth be the Trustee for executing by the Council of the City the several Powers and Provisions of the said Act: And whereas the

Mayor, Aldermen, and Citizens of the City of *Carlisle* have since such Transfer executed the Powers of the said secondly-recited Act, and for the Purposes of lighting the said City and Suburbs have contracted for and used Gas of the Manufacture of "The *Carlisle* Gaslight and Coke Company:" And whereas it would be of public Advantage to the Inhabitants of the City of *Carlisle* and of the Environs thereof supplied or authorized to be supplied with Gas by the *Carlisle* Gaslight and Coke Company if the Mayor, Aldermen, and Citizens of the said City, in addition to the Powers which they already possess under the said secondly-recited Act, were authorized to light, not only the Streets, Lanes, and other public Passages and Places within the said City and the Environs thereof, but also the Houses, Manufactories, and Buildings within the said City and Environs, and for those Purposes to obtain a Transfer to them of the Undertaking of the *Carlisle* Gaslight and Coke Company, and to construct and maintain other Gasworks: And whereas it is expedient that the Powers for lighting the said City and the Environs thereof should be altered, amended, and extended, and that the first-recited Act should be repealed, and other Provision be made in lieu thereof: And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Construction of this Act, and of any Act or Clauses of any Act incorporated herewith, the following Words and Expressions shall have the Meaning hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

Interpretation of Terms in this Act and Acts incorporated herewith.

Words importing the Singular Number only shall include the Plural, and Words importing the Plural Number only shall include the Singular:

Words importing the Masculine Gender only shall include Females:

The Word "Person" shall include a Corporation, whether aggregate or sole:

The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Street" shall include any Square, Court, Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place already made or which shall at any Time hereafter be made within the Limits of this Act:

The Expression "the Gasworks" shall mean the Gasworks and the Works connected therewith by this Act authorized to be vested in or purchased or constructed by the Mayor, Aldermen, and Citizens:

The Expression "Gas Rate" shall include any Rent, Reward, or Payment to be made for a Supply of Gas:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Persons allowed by Law to make a Declaration instead of an Oath:

The Word "City" shall mean the City of *Carlisle*, as enlarged and extended by the Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*:

The Expression "Mayor, Aldermen, and Citizens" shall mean the Mayor, Aldermen, and Citizens of the City:

The Word "Council" shall mean the Council of the City:

The Expression "the Clerk" shall mean the Town Clerk of the City:

The Word "Justice" shall, in respect of any Matters arising within the City, mean any Justice of the Peace acting for or exercising the Jurisdiction of a Justice of the Peace within the City; and shall, in respect of any Matter arising without the City, mean any Justice of the Peace acting for the County or Place where the Matter requiring the Cognizance of any such Justice arises; and where in either Case any Matter shall be authorized or required to be done by Two Justices the Expression "Two Justices" shall be understood to mean Two or more Justices met and acting together:

The Expression "Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace for the County of *Cumberland*, until such Time as Her Majesty shall grant that a separate Court of Quarter Sessions of the Peace shall be holden in and for the City, and after the Grant of a separate Court of Quarter Sessions to the City shall have been made, and Notice thereof shall have been given to the Clerk of the Peace of the County of *Cumberland* in the Manner required by the said thirdly-recited Act, the Expression "Quarter Sessions" shall, in respect of Matters arising within the Jurisdiction of the Court of General or Quarter Sessions of the Peace for the City, mean the Court of General or Quarter Sessions of the Peace for the City; and shall, in respect of Matters arising within the Jurisdiction of the Court of General or Quarter Sessions of the Peace for the County of *Cumberland*, mean the Court of General or Quarter Sessions of the Peace for the said County:

The Word "Company" shall mean the *Carlisle* Gaslight and Coke Company.

The Corporation to carry this Act into execution.

II. And be it enacted, That the Mayor, Aldermen, and Citizens of the City of *Carlisle* shall by the Council of the City be and they are hereby empowered to carry this Act and the Powers hereby granted into execution.

Limits of the Act.

III. And be it enacted, That the Limits of this Act shall extend to and include the City of *Carlisle* and the several Portions without the City of the several Parishes of *Saint Mary* otherwise *Saint Mary Carlisle*, *Saint Cuthbert* otherwise *Saint Cuthbert Carlisle*, and the Parish of *Stanwix*, all in the County of *Cumberland*, and all Liberties, Precincts, and extra-parochial Places within the said City and Parishes, or any of them, which District comprised within the said Limits comprises the whole of the District within the Limits of the said first-recited Act.

Power to Council to appoint a Gas Committee, and other Committees.

IV. And be it enacted, That for the more conveniently carrying this Act and the several Powers thereof into execution it shall be lawful for the Council and they are hereby empowered to appoint out of their own Body from Time to Time a Committee, to be called "the Gas Committee," and also such other Committees consisting in every Case of such Number of Persons as the Council shall think fit, to manage, transact, and carry into effect all or any of the Matters and Purposes which they the Council are hereby directed or authorized expressly or by reference to do, execute, or perform, and to fix the Quorum of such Committee or Committees, which Committee or Committees shall have such and so many of the Powers and Authorities and Discretion by this Act given to and reposed in the Council as the Council shall think proper to delegate to such Committee or Committees.

Quorum of Committees.

V. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members (if any) fixed by the Council, and if no Quorum be fixed unless Three Members, be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Vote as a Member of the Committee.

Minute Books, &c. of Committees to be open to Inspection of Aldermen

VI. And be it enacted, That all the Minute and other Books of the Gas Committee, and of any other Committee appointed by the Council for any of the Purposes of this Act, and all Documents, Writings, and Papers in the Custody of or belonging to such Committee or

and Councillors.

Committees, shall at all Times be open to the Inspection of any of the Aldermen and Councillors of the City.

Council, or Gas Committee if authorized, to appoint Treasurer and other Officers.

VII. And be it enacted, That the Council, or the Gas Committee if authorized by the Council so to do, may from Time to Time appoint a Treasurer, Clerk, Collector, Engineer, Superintendent, and such other Officers as they shall think fit, for the Purposes of this Act, with such Salaries and Allowances as they shall think reasonable, and may from Time to Time remove such Treasurer, Clerk, Collector, Engineer, Superintendent, and Officers, and appoint others in the Room of such as shall be so removed, or as may die, resign, or discontinue their Offices: Provided always, that in case any such Appointment of Officers as aforesaid shall be made by the Gas Committee, the Salaries and Allowances to be paid or made to such Officers shall be submitted to the Council for their Approval.

If Officers appointed by Gas Committee, Salaries to be approved by Council.

Remuneration to Treasurer.

VIII. Provided always, and be it enacted, That if the Treasurer of the City shall not be appointed the Treasurer for the Purposes of this Act, the Person appointed Treasurer for the Purposes of this Act shall not be entitled to any Salary or Remuneration in respect of the Duties performed by him as such Treasurer.

Officers to be subject to Provisions, &c. of 5 & 6 W. 4. c. 76.

IX. And be it enacted, That all Officers appointed by this Act shall be subject to the same Provisions, Regulations, and Penalties as are imposed by the said thirdly-recited Act, to provide for the Regulation of Municipal Corporations in *England* and *Wales*, with respect to Officers appointed by the Council by virtue of that Act.

Accounts of Receipts and Disbursements to be kept and audited.

X. And be it enacted, That the Treasurer shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and of the several Matters for which such Sums shall have been received and paid; and the Books of Account and all other Books and Papers shall at all reasonable Times be open to the Inspection of any of the Aldermen or Councillors of the City; and all the Accounts, with all Vouchers and Papers relating thereto, shall in the Months of *March* and *September* in every Year be submitted by the Treasurer to the Auditors provided to be elected in pursuance of the said thirdly-recited Act, to provide for the Regulation of Municipal Corporations in *England* and *Wales*, and to such Member of the Council as the Mayor shall name, in pursuance of the said last-mentioned Act, on the First Day of *March* of every Year, or in case of extraordinary Vacancy within Ten Days next after such Vacancy, for the Purpose of being examined and audited from the First Day of *July* in the Year preceding to the First Day of *January*, and from the First Day of *January* to the First Day of *July* in the Year in which the said Auditors were elected and named; and if the said Accounts

shall be found to be correct, the Auditors shall sign the same; and after such Accounts shall be so examined and audited in the Month of *September* in every Year the Treasurer shall make out in Writing, and shall cause the same to be printed, a full Abstract of the Accounts for the Year, and a Copy thereof shall be open to the Inspection of every Mortgagee and other Creditor of the Mayor, Aldermen, and Citizens by virtue of this Act, and to all the Rate-payers of the City, and Copies thereof shall be delivered to all such Persons applying for the same, on Payment of a reasonable Price for each Copy.

Accounts, when audited, to be printed, and to be open to Inspection.

XI. And be it enacted, That it shall be lawful for the Council to pay to the Auditors of the City who shall audit the Accounts of Receipts and Disbursements by this Act directed to be audited by them such reasonable Remuneration for their Time and Trouble as the Council shall see fit, and also all such Expenses as such Auditors shall be put unto attending the auditing of the said Accounts.

Remuneration to Auditors.

XII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Citizens from Time to Time to contract and agree with any Person or Corporation for performing any of the Works by this Act authorized to be made or executed; and all Contracts to be entered into under the Powers of this Act shall be reduced into Writing, and sealed with the Common Seal of the Mayor, Aldermen, and Citizens, and the same shall be signed by the Person or sealed with the Common Seal of the Corporation contracting to perform such Works, and shall specify the several Works to be done, and the Prices to be paid for the same, and the Time when such Works shall be done and completed, and the Penalties to be suffered in case of Nonperformance thereof; and a Copy of such Contract shall be entered in a Book to be kept by the Clerk for that Purpose; and it shall be lawful for the Mayor, Aldermen, and Citizens to take such Bond or other Security from every Contractor, for the due Performance of his Contract, as they shall think sufficient; and the Mayor, Aldermen, and Citizens may cause the Works to be done in pursuance of such Contract to be inspected by such Person as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time to be by any such Contract limited for completing the same, the Mayor, Aldermen, and Citizens may have and pursue all the Remedies provided by the said Contract, and may cause any Action at Law or Suit in Equity to be brought in their Name against the Party so contracting and neglecting to perform such Contract, and his Sureties, (if any,) for Fulfilment of such Contract, and for Injury suffered or sustained by the Want of due

Power to enter into Contracts for Works authorized by this Act.

Penalty on Nonperformance of Contract.

due Performance thereof; and upon proving the Execution of the Contract and Security (if any), and the Nonperformance thereof, the Mayor, Aldermen, and Citizens shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

Power to compound for Breach of Contract.

XIII. Provided always, and be it enacted, That it shall be lawful for the Mayor, Aldermen, and Citizens to compound and agree with any Person or Corporation who shall have entered into any such Contract or Security for the Performance thereof, in pursuance or under the Authority of this Act, or against whom any Action or Suit shall be brought for any Penalty contained in such Contract or Security, or for or on account of any Breach or Nonperformance of any such Contract or Security, for such Sums of Money or other Recompence as the Mayor, Aldermen, and Citizens shall think proper.

Council authorized to purchase, and the Carlisle GasCompany to sell, the Gasworks.

XIV. And be it enacted, That from and immediately after the passing of this Act it shall be lawful for the Mayor, Aldermen, and Citizens to contract and agree with the *Carlisle* Gaslight and Coke Company for the Purchase or Transfer of, and for the Company, with the Consent of Three Fourths in Value of the Proprietors thereof present at any Meeting of the Company specially called for the Purpose, to sell or agree to transfer, for such Consideration and to be paid or secured in such Manner as shall be agreed upon, all the Houses, Lands, Plant, Works, Mains, Pipes, Stock, Debts, Gas Rents, and other Monies, Shares, and Property of the *Carlisle* Gaslight and Coke Company, to the Mayor, Aldermen, and Citizens.

Company to convey Works to Mayor, &c., and the Receipt of Three Members of the Committee of Management to be a Discharge for Purchase Monies.

XV. And be it enacted, That it shall be lawful for the Company to convey and transfer the Houses, Lands, Plant, Works, Mains, Pipes, Stock, Debts, Gas Rents, and other Monies, Shares, and Property agreed to be sold or transferred to the Mayor, Aldermen, and Citizens, unto the Mayor, Aldermen, and Citizens, and their Successors, or as they shall direct; and the Concurrence of Three Members of the Committee of Management of the Company in any Deed or Instrument of Conveyance to the Mayor, Aldermen, and Citizens shall be conclusive Evidence of the Consent of the Company hereinbefore required to the Sale or Agreement to transfer recited in such Deed or Instrument; and the Receipt of any Three Members of the Committee for the Money or Securities agreed to be paid or given for the Purchase or Transfer of such Works and Premises shall be a good and sufficient Discharge for the Monies or Securities therein expressed to be received; and the Mayor, Aldermen, and Citizens shall not be bound to see to the Application of the Monies then paid, or of any Monies to be subsequently paid upon or in respect of any such Securities.

XVI. And

Upon Execution of Conveyance by the Company, their Works to vest in the Corporation.

XVI. And be it enacted, That immediately upon the Execution by the Company of a Deed of Conveyance under their Common Seal, and duly stamped, in which Deed the Consideration for the same shall be fully and truly stated and set forth, of all their Houses, Lands, Plant, Works, Mains, Pipes, Stock, Debts, Gas Rents, and other Monies, Shares, and Property, to the Mayor, Aldermen, and Citizens, all the Houses, Lands, Plant, Works, Mains, Pipes, Stock, Debts, Gas Rents, and other Monies, Shares, and Property comprised in or expressed to be conveyed or transferred by such Conveyance shall by virtue of this Act become absolutely vested in the Mayor, Aldermen, and Citizens, and their Successors, for all such or the like Estate or Interest as the Company were seised or possessed of or entitled to therein at the Date of such Conveyance, and the Mayor, Aldermen, and Citizens shall have all such and the same Powers for the Recovery of the Debts, Gas Rents, and other Monies so transferred to them as the Company would have had if no such Transfer thereof had been made.

On Execution of Conveyance of Gasworks, and on Notice thereof in "London Gazette" and a Carlisle Paper, the Company to be dissolved, and their Act declared repealed.

XVII. And be it enacted, That immediately upon the Execution by the Company of a Conveyance of the Gasworks to the Mayor, Aldermen, and Citizens, and upon Publication of a Notice thereof in the "*London Gazette*," and in some Newspaper usually printed or circulated in the City of *Carlisle*, the *Carlisle* Gaslight and Coke Company shall be and the same is hereby declared to be dissolved, and the herein-before recited Act relating to the Company shall be and the same is hereby declared to be repealed, save and except as to the Acts, Matters, and Things herein-after authorized to be done by the Company, or by the Committee of Management thereof: Provided always, that the Repeal of such Act shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Lease, Grant, Security, Act, Matter, or Thing whatsoever theretofore made, done, or executed under or by virtue or in pursuance of the said Act so repealed as aforesaid, but that all such Purchases, Sales, Conveyances, Leases, Grants, Acts, Matters, and Things shall be and remain good, valid, and effectual in favour of, against, and in reference to the Mayor, Aldermen, and Citizens, and their Successors, to all Intents and Purposes.

Conveyances, &c. in favour of or against the Company to operate in favour of and against the Corporation.

XVIII. And be it enacted, That immediately upon the Houses, Lands, Plant, Works, Mains, Pipes, Stock, Debts, Gas Rents, and other Monies, Shares, and Property of the Company becoming vested in the Mayor, Aldermen, and Citizens, all Contracts, Engagements, Agreements, Conveyances, Leases, Covenants, and Indemnities made or entered into with or in favour of, or by or for or on behalf of, the Company previously to such Conveyance of the Gasworks, shall be subject to the Provisions of this Act, and be and remain as good, valid,

valid, and effectual in favour of and against and in reference to the Mayor, Aldermen, and Citizens, and may be proceeded on and enforced in the same Manner by or against the Mayor, Aldermen, and Citizens, to all Intents and Purposes, as if the Mayor, Aldermen, and Citizens had been Parties to and executed the same, or had been named or referred to therein instead of the Company.

Certain Debts of the Company to be paid by the Corporation.

XIX. And be it enacted, That all Debts owing by the Company at the Time of the Undertaking thereof becoming vested in the Mayor, Aldermen, and Citizens, which are not to be paid by the Committee of Management thereof out of the Purchase Monies and Securities paid to them by the Mayor, Aldermen, and Citizens, shall be paid by the Mayor, Aldermen, and Citizens, and the same may be enforced against them in the same Manner as if such Debts had been contracted by them, and not by the Company.

Actions, &c. not to abate.

XX. And be it enacted, That no Action, Suit, or other Proceeding whatsoever commenced by or against the Company previously to such Purchase or Transfer from them being made to the Mayor, Aldermen, and Citizens as aforesaid shall abate or be discontinued or prejudicially affected by the Circumstances of such Purchase or Transfer having been made, but the same shall continue and take effect, either in favour of or against the Mayor, Aldermen, and Citizens, in the same Manner and in all respects as the same would have continued and taken effect in relation to the Company if such Purchase or Transfer as aforesaid had not been made; and also that all Penalties by reason of any Offence against the Provisions of the said first-recited Act relating to the Company previous to such Purchase or Transfer as aforesaid shall and may be sued for, and all Offences which may have been committed before such Purchase or Transfer against the Provisions of the said Act may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if such Purchase or Transfer had not been made, the Mayor, Aldermen, and Citizens being, in reference to the Matters in the Enactment mentioned, in all respects substituted for and in the Place of the Company.

Books, &c. of the Company to be Evidence.

XXI. And be it enacted, That all Books and other Documents whatsoever by the said first-recited Act relating to the Company authorized or directed to be kept, and thereby made Evidence, shall, notwithstanding such Repeal of the same Act as aforesaid, be admitted as Evidence in all Courts of Law or Equity or elsewhere.

Application of Purchase Monies.

XXII. And be it enacted, That the Committee of Management for the Time being of the Company to whom such Purchase Monies, or Securities for the same, are herein-before directed to be paid by the

Mayor, Aldermen, and Citizens, shall stand possessed of the same upon trust to divide the same between the several Persons who at the Time of the Payment of such Purchase Monies, or Securities for the same, as aforesaid, shall be the Proprietors of Shares in the Capital of the Company, in proportion to the Number of their respective Shares therein, and their respective Executors, Administrators, and Assigns.

Certain Debts of the Company to be paid by the Company before Distribution of Purchase Monies.

XXIII. Provided always, and be it enacted, That before the said Committee of Management shall distribute the said Purchase Monies or Securities amongst the Proprietors of the Company they shall pay all just Debts and Demands against the Company which are not to be paid by the Mayor, Aldermen, and Citizens, and shall also pay all Costs and Expenses incurred by them in carrying the Provisions of this Act into effect, and the Surplus of such Purchase Monies and Securities remaining after such Payments shall be deemed to be the Purchase Monies or Securities by this Act made distributable amongst the Proprietors of the Company.

Company not bound to regard Trusts.

XXIV. And be it enacted, That the said Committee of Management shall not be bound to see to the Execution of any Trusts, whether express, implied, or constructive, to which any of the Shares in the Company may be subject; and the Receipt of the Person or Persons in whose Name or Names any Share shall stand in the Books of the Company shall be a sufficient Discharge to the Committee of Management for all Monies which shall be paid in respect of such Shares, notwithstanding any Trust to which such Share may be subject, and whether the Company or the Committee of Management thereof shall or shall not have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Committee of Management may employ Clerks, &c.

XXV. And be it enacted, That it shall be lawful for the said Committee of Management and they are hereby authorized to employ such Clerks and other Servants as they may deem requisite for carrying into effect such of the Provisions of this Act as relate to the Company or the said Committee of Management, and to allow them such Salaries or Remuneration as such Committee of Management shall think fit, out of the Funds which shall come to their Hands by virtue of this Act.

Committee of Management to meet whenever requisite; Three to be a Quorum.

XXVI. And be it enacted, That it shall be lawful for the said Committee of Management to meet when and as often as they shall think fit for the Purposes of this Act, and that Three of such Committee present at a Meeting shall (so long as Three Members thereof remain) be a Quorum, and competent to act; and that when and so soon as the Number of such Committee shall be reduced below Three

the

the remaining Members of the Committee for the Time being shall or may exercise all the Powers and Authorities by this Act vested in the whole Body of the Committee of Management.

Committee of Management to be respectively chargeable for their own Acts only.

XXVII. Provided also, and be it enacted, That the respective Members of the said Committee of Management, or any of them, or any of their respective Executors or Administrators, shall not be charged or chargeable with or for any more or other Monies than they respectively shall actually receive, or than shall come to their respective Hands, under and by virtue of this Act, and that they or any of them shall not be answerable or accountable for any Officer or Agent, Banker, Broker, or other Person, with whom or in whose Hands any Part of the said Purchase Monies or the Assets of the Company shall or may be placed or lodged, for safe Custody, Remittance, Sale, Investment, Payment, or otherwise, in execution of the Trusts hereby in them reposed, and that they or any of them shall not be answerable or accountable for any other Misfortune, Loss, or Damage which may happen to the said Monies or Assets of the Company in the Execution of the said Trusts, or in relation thereto, unless the same shall happen by or through their own wilful Default respectively, and then and in that Case such Person respectively shall singly and alone be answerable for such Loss or Damage as shall arise from his own wilful Neglect or Default; and also that it shall be lawful for the said Committee of Management, by and out of the Money which shall come to their respective Hands by virtue of the Provisions of this Act, to deduct, retain, and reimburse to and for themselves respectively, and also to allow to their Colleagues, and to the Executors and Administrators of any deceased Member of the said Committee, all Costs, Charges, Damages, and Expenses which they or any of them shall or may suffer, sustain, or expend, disburse, lay out, or incur, in or about the Execution of the Provisions and Trusts hereby reposed in them, or in relation thereto, and also to settle, adjust, and allow the Accounts of any of the Members of the said Committee who shall depart this Life, and also to receive and give Discharges for the Money which shall appear to be the Balance of the same Accounts, without any Responsibility in the Person or Persons paying the same Money to see to the Application thereof, or being answerable for any Misapplication or Nonapplication of the same or any Part thereof.

Persons whose Names appear in the Books as Proprietors to be deemed such until the contrary be proved.

XXVIII. And be it enacted, That the several Persons whose Names shall appear on the Books of the Company to be the Proprietors of Shares therein shall, until the contrary be proved to the Satisfaction of the said Committee of Management, be considered to be the Persons entitled to a distributive Part or Share of the said Purchase Monies, and of any other Monies to be divided amongst the Proprietors of Shares in the Company.

XXIX. And

Trustees for Company, &c. to convey to Corporation.

XXIX. And be it enacted, That all Persons in whom any Lands are or may be vested as Trustees for the Company, or for the Mayor, Aldermen, and Citizens, shall, when directed so to do by the Mayor, Aldermen, and Citizens, convey such Lands unto and for the Use and Benefit of the Mayor, Aldermen, and Citizens, or as they shall direct.

On Repeal of the Gas Company's Act Provisions of 10 & 11 Vict. c. 15. to be incorporated with this Act.

XXX. And be it enacted, That immediately upon the Gasworks and Undertaking of the Company becoming vested in the Mayor, Aldermen, and Citizens, and upon the Dissolution of the Company and the Repeal of the said first-recited Act, all the Clauses and Provisions of "The Gasworks Clauses Act, 1847," with respect to the following Matters; that is to say,

With respect to the breaking up of Streets for the Purpose of laying Pipes;

With respect to the Supply of Gas, and the Recovery of the Rent to be paid for the same;

With respect to Waste or Misuse of the Gas, or Injury to the Pipes and other Works; and

With respect to the Provision for guarding against fouling Water or other Nuisance from the Gas,

shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act, and such Clause shall apply to the Gasworks and Works connected therewith for the Time being belonging to or vested in the Mayor, Aldermen, and Citizens, and to the said Mayor, Aldermen, and Citizens, or the Council on their Behalf, and shall be construed as if the Expression "The Mayor, Aldermen, and Citizens of the City of *Carlisle*" had been inserted therein instead of the Word "Undertakers," and the Expression "the Undertaking" where used in the said Clauses shall mean the Gasworks and the Works connected therewith for the Time being belonging to or vested in the Mayor, Aldermen, and Citizens by virtue of this Act.

Streets, &c. under the Control of the Council may be broken up without Notice.

XXXI. Provided always, and be it enacted, That it shall not be necessary for the Mayor, Aldermen, and Citizens, before they may proceed to open or break up any Street, Bridge, Sewer, Drain, or Tunnel under the Control of the Council, to give any Notice of their Intention so to do.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated with this Act.

XXXII. And be it enacted, That all the Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the following Matters; that is to say,

With respect to the Mortgages to be executed by the Commissioners;

With respect to the making of Bye Laws;

With respect to giving Notices and Orders; and
With respect to Access to the Special Act,
shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act, and such Clauses shall apply to the Gasworks, and to the Mayor, Aldermen, and Citizens, or the Council on their Behalf, and shall be construed as if the Expression "The Mayor, Aldermen, and Citizens of the City of *Carlisle*" had been inserted therein instead of the Word "Commissioners," or where any Act is authorized or required to be done by or to a certain Number of Commissioners, as if the Word "Council" had been inserted therein instead of the Word "Commissioners," and the Expression "the Town" where used in the said Clauses shall mean the District comprised within the Limits of this Act.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XXXIII. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and the Provisions of the said Lands Clauses Consolidation Act shall be applicable to the Purchase of Lands for the Purposes hereby authorized, except as herein-after mentioned.

Powers of purchasing Lands, &c. not to be exercised without Consent.

XXXIV. Provided always, and be it enacted, That nothing in the said Lands Clauses Consolidation Act or in this Act contained shall authorize the Mayor, Aldermen, and Citizens to purchase, take, or use any Lands for the Purposes of this Act, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

Power to Corporation, when Gasworks are vested in them, to light Streets within the Limits of this Act.

XXXV. And be it enacted, That when and so soon as the Gasworks and Undertaking of the Company shall have become vested in the Mayor, Aldermen, and Citizens it shall be lawful for the Mayor, Aldermen, and Citizens to manufacture Gas, and to light the Streets within the Limits of this Act, and also to supply with Gas the Inhabitants of the District within such Limits, upon such Terms as shall be agreed upon between the Council and the Persons supplied with Gas, and to sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas, in such Manner as the Council may think proper.

Power to construct Works.

XXXVI. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Mayor, Aldermen, and Citizens from Time to Time to construct and maintain such Gasworks and Apparatus, and such Buildings, with Approaches thereto, upon any Lands belonging to the Mayor, Aldermen, and Citizens, or hereby authorized to be vested in or to be purchased by them, and to do all such other Acts as they shall think necessary for supplying the District within the Limits of this Act with Gas.

XXXVII. And

Power to lay Pipes for lighting Buildings.

XXXVII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Mayor, Aldermen, and Citizens to lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipes into or through or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Power to purchase Land for Gasworks.

XXXVIII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Citizens to purchase any Lands, not exceeding Five Acres in Quantity, which may be required for the Erection of Gasworks authorized by this Act, and to contract for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Power to borrow Money on Mortgage.

XXXIX. And be it enacted, That for the Purposes of this Act it shall be lawful for the Mayor, Aldermen, and Citizens from Time to Time to borrow at Interest on the Credit of the Gasworks and of the Gas Rents, and of the City Fund for the Time being in the Hands of the Treasurer of the City, and City Rate of the City, or of any of such Securities, any Sum or Sums of Money not exceeding in the whole the Sum of Eighteen thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Mayor, Aldermen, and Citizens, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Eighteen thousand Pounds in the whole at any One Time; and for securing the Repayment, with Interest, of the Monies so borrowed, the Mayor, Aldermen, and Citizens may assign over the Gasworks and Gas Rents, and mortgage the City Fund for the Time being in the Hands of the Treasurer of the City, and City Rate of the City, or any of them, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee or Nominee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same; and the Principal Monies and Interest by such Mortgages charged upon the City Fund for the Time being in the Hands of the Treasurer of the City, and City Rate, or any of them, shall be provided for and paid by the Council in the same Manner in all respects as other Debts and Expenses incurred by Municipal Corporations are by Law directed to be levied, raised, and paid.

XL. Pro-

Mortgages of City Fund under this Act not to prevent Leases or Sales, with the Consent of the Treasury.

XL. Provided always, and be it enacted, That no Mortgage of the City Fund to be created under the Powers of this Act shall prevent the Mayor, Aldermen, and Citizens from leasing or selling, with the Approbation of the Lords Commissioners of Her Majesty's Treasury, any Lands belonging to the Mayor, Aldermen, and Citizens, but every Lease or Conveyance of any Lands made by the Mayor, Aldermen, and Citizens, with such Consent as aforesaid, shall be valid and effectual, both at Law and in Equity, as against all Persons claiming under any Mortgages of the City Fund under the Powers of this Act.

Part of the Consideration for the Conveyance of the Gasworks may be secured by Mortgages under this Act.

XLI. And be it enacted, That if the Company, or any of the Proprietors of Shares in the Company, shall be desirous of accepting or shall agree to accept Mortgages, under the Powers of this Act, as a Security for the Payment by the Mayor, Aldermen, and Citizens of the Consideration or of any Part of the Consideration for the Transfer of the Gasworks, Undertaking, and Powers of the Company to the Mayor, Aldermen, and Citizens, any Mortgages so to be granted under this Act may be granted to the Company, or, by their Direction, to any Shareholder of the Company, or his Trustee or Nominee; and all Mortgages of the Gasworks and Gas Rents which may be so granted shall be valid and effectual, both at Law and in Equity, notwithstanding the Consideration in the Conveyance of the Gasworks and Undertaking to the Mayor, Aldermen, and Citizens expressed to have been paid for the same shall not have been actually paid at the Time of the Execution of such Conveyance or Transfer by the Company or their Trustees.

Arrears due on Mortgages to be enforced by Appointment of a Receiver.

XLII. And be it enacted, That it shall be lawful for the Mortgagees of the Mayor, Aldermen, and Citizens to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Six thousand Pounds in the whole.

Application of Gas Rents.

XLIII. And be it enacted, That all Rents and Profits to arise from the Gasworks shall be applied, in the first place, after paying the Expenses of this Act, in paying all current Expenses connected with the Gasworks, in defraying the Interest of any Money borrowed under the Powers of this Act, or for the Purposes thereof, and then from Time to Time in repaying the Principal Monies so borrowed, or such Part thereof as the Council may think desirable, or in providing and forming a Fund for the last-mentioned Purpose, and in improving and enlarging the Gasworks; and the Surplus shall be carried to the

City Fund of the City, and may be applied to any of the Purposes for which such City Fund may be applicable.

As to a Sinking Fund for Payment of Principal Monies.

XLIV. And be it enacted, That any Part of the Gas Rents and Profits which may from Time to Time be set apart by the Council for the Purpose of forming a Fund for the Payment of the Principal Monies borrowed under the Powers of this Act shall be deemed the prescribed Part to be appropriated for the Formation of a Sinking Fund, to be applied in paying off the Principal Monies so borrowed.

Power to Council to contract with other Parties for lighting the Streets.

XLV. And be it enacted, That it shall be lawful for the Council from Time to Time to enter into and execute any Contract with the Council acting as Trustee in execution of the Powers of the said secondly-recited Act, or with the Local Board of Health for the Execution of "The Public Health Act, 1848," or "The Public Health Supplemental Act, 1849," if the same shall be extended to the City, for a Supply of Gas for lighting the Streets, Markets, and public Buildings within their respective Districts, and for providing such Lamps, Lamp Posts, and other Materials and Apparatus as the Council or Local Board of Health respectively may think necessary for lighting the same.

Power to sell Lands, &c. not wanted.

XLVI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Citizens, and they are hereby authorized and empowered, if they shall see fit so to do, to sell and dispose of all or any Part of the Lands, Tenements, and Works which may be vested in or purchased or constructed by them under the Powers of this Act, and not afterwards required for the Purpose of supplying with Gas the District within the Limits of this Act, and such Lands, Tenements, and Works, when so sold, shall be conveyed by the Mayor, Aldermen, and Citizens to the Purchaser or Purchasers thereof.

Service of Notices on Persons generally.

XLVII. And be it enacted, That any Notice, Demand, or other such Document required or deemed necessary to be given, made, or delivered by the Mayor, Aldermen, and Citizens, or any of their Officers, under or by virtue of the Provisions of this Act, to any Person, may lawfully be served by delivering the same to such Person, or by delivering the same to his Wife or Servant, or any Inmate at his usual or last known Place of Residence or Business.

Release to Witnesses.

XLVIII. And be it enacted, That in any legal Proceedings under this Act it shall be lawful for the Clerk, by the Order of the Council, to execute general or other Releases for the Purpose of qualifying any Person in the Service of the Mayor, Aldermen, and Citizens to give Evidence as a Witness, and every such Release shall be under the Hand of the Clerk.

Certain Clauses of 8 & 9 Vict. c. 20. incorporated with this Act.

XLIX. And be it enacted, That the Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices, (except as to the Application of Penalties, as herein-after provided,) shall be incorporated with this Act, and such Clauses shall (except as aforesaid) apply to the City, and to the Mayor, Aldermen, and Citizens, and shall be construed as if the Expression "The Mayor, Aldermen, and Citizens" had been inserted therein instead of the Word "Company."

Penalties how to be applied.

L. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act before any Justices acting for or exercising the Jurisdiction of Justices of the Peace within the City, the Application of which is not herein otherwise expressly provided for, be it enacted, That the Justices acting for or exercising the Jurisdiction of Justices of the Peace within the City by whom any such Penalty or Forfeiture shall be imposed shall order the same to be paid to the Treasurer of the City to the Credit and on account of the City Fund, anything in the Provisions of the Railways Clauses Consolidation Act incorporated herewith to the contrary thereof notwithstanding.

Things required to be done by Two Justices may in certain Cases be done by One.

LI. And be it enacted, That all Things herein or in any Act incorporated herewith authorized or required to be done by Two Justices may and shall be done by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices.

Nothing herein to abridge the Rights of the Corporation.

LII. And be it enacted, That nothing in this Act contained shall in any way change, lessen, abridge, impeach, annul, prejudice, or destroy any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, or lawful Customs belonging, due, or in anywise appertaining to the Mayor, Aldermen, and Citizens.

Nothing to affect the Power to make Bye Laws under 5 & 6 W. 4. c. 76.

LIII. And be it enacted, That nothing in this Act contained shall prejudice or affect the Power of the Council to make Bye Laws under the "Act for the Regulation of Municipal Corporations in *England* "and *Wales*," or any Act amending the same.

Saving the Rights of the Crown.

LIV. And be it enacted, That nothing in this Act contained shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's Duties of Customs or Excise or any other Revenue of the Crown, or to extend to or affect any Claim of Her Majesty in right of Her Crown, or otherwise howsoever, or any Proceedings at Law or in Equity, by or on behalf of Her Majesty, in any Part of the United Kingdom of *Great Britain* and *Ireland*.

LV. And

Corporation not exempted from Provisions of any future general Act.

LV. And be it enacted, That nothing in this Act contained shall be deemed to exempt the Mayor, Aldermen, and Citizens from any general Act relating to Gasworks, or any Act for improving the sanitary Condition of Towns and populous Districts, which may be passed in the present or any future Session of Parliament.

Expenses of Act to be paid out of any Monies in the Hands of the Council;

LVI. And be it enacted, That the Costs, Charges, and Expenses of or incident to the obtaining and passing of this Act shall be paid out of any Monies in the Hands of the Council at the Time of the passing of this Act, or which shall otherwise come to the Hands of the Council by virtue of this Act, in such Proportions and in such Manner as they shall think proper.

in the meantime may be advanced out of the City Fund.

LVII. And be it enacted, That until the Council shall have or receive by all or any of the Means last mentioned sufficient Money to defray the Costs, Charges, and Expenses of or incident to the obtaining and passing of this Act, it shall be lawful for the Council to advance and pay the whole or any Part of such Costs, Charges, and Expenses out of the City Fund of the City.

Short Title.

LVIII. And be it enacted, That in citing this Act in any Act of Parliament, in legal Instruments or Proceedings, in Notices, Advertisements, or other like Documents, it shall be sufficient to use the Expression "The *Carlisle* Gas Act, 1850."

Public Act.

LIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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