ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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Cap. xxxii.

An Act to dissolve and re-incorporate the *Cork* Gas Consumers Company, Limited, and to provide for lighting the City of *Cork* with Gas; and for other Purposes. [25th *June* 1868.]

WHEREAS in or about the Year One thousand eight hundred and twenty-six certain Works for lighting the City of *Cork* with Gas were erected by the *United General* Gaslight Company of *London* (in this Act called "the United Company") as Contractors for a Term of Twenty-one Years with the then local Authority in that Behalf for the public lighting of the said City: And whereas the said Contract was rescinded by mutual Assent in the Year One thousand eight hundred and forty-five, and was thereupon renewed for a Term of Thirteen Years from that Year: And whereas in the Year One thousand eight hundred and fifty-six a Company was established under "The Joint Stock Companies Act, 1856," for lighting the said City of *Cork* with Gas, under the Name of "The *Cork* Gas Consumers Company, Limited" (which Company is in this Act called the "old Company"): And whereas the old Company erected the necessary Works for the lighting of the said City, and completed the same in the Year One thousand eight hundred and fifty-seven, since which Period they have lighted the said City, and acted under the Powers and Authorities conferred by Contracts entered

19 & 20 Vict. c. 47. (*Pub.*)

entered into from Time to Time with the Mayor, Aldermen, and Burgesses of the Borough of *Cork* (in this Act called "the Corporation") for the public lighting of the said Borough: And whereas an Act of Parliament was passed in the Year One thousand eight hundred and fifty-seven, under the Short Title of "The *United General* Gaslight Company's (*Cork*) Act, 1857," herein-after called "the Act of 1857," whereby the *United* Company obtained Powers for lighting the said City of *Cork* with Gas: And whereas in the Year One thousand eight hundred and fifty-nine the old Company purchased the Plant and Undertaking of the *United* Company at or near *Cork*, together with all Powers and Authorities of the *United* Company in connexion with the said Undertaking: And whereas the old Company is now the only Undertaking in existence for lighting the said City of *Cork* with Gas: And whereas the Share Capital of the old Company consists of Eighteen thousand Shares of Five Pounds each, which have been fully called up, and also of Six thousand Shares of Five Pounds each, on which a Sum of One Pound has been called, and making in the aggregate a Share Capital of One hundred and twenty thousand Pounds, of which Ninety-four thousand two hundred and twenty-two Pounds has been paid up: And whereas the old Company have borrowed on Mortgage a Sum of Nine thousand one hundred Pounds: And whereas the Demand for Gas has considerably increased and is increasing in the City of *Cork*: And whereas it is expedient that the old Company should be dissolved and re-incorporated, and that the Act of 1857 should be repealed, and the Undertaking at *Cork* formerly belonging to the *United* Company, and also all other Property belonging to the old Company, vested in the re-incorporated Company, together with Powers for the Definition and Regulation of their Capital, and for the Maintenance and Improvement of their Works, and with certain other Powers which are necessary to enable them efficiently to carry on their Undertaking: And whereas the 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, as follows:

20 & 21 Vict. c. xxv.

Short Title.

1. This Act may be cited for any Purpose as "The *Cork* Gas Act, 1868."

8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 15., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. incorporated.

2. The following Acts and Parts of Acts, except where expressly varied by this Act, are incorporated with and form Part of this Act; (that is to say,) "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses

Clauses Act, 1847:" Provided always, that the Incorporation with this Act of "The Lands Clauses Consolidation Act, 1845," shall not authorize the Company to purchase or take any Lands otherwise than by Agreement.

20 & 21 Vict. c. xxv. repealed.

3. "The *United General* Gaslight Company's (*Cork*) Act, 1857," is hereby repealed.

Same Meanings to Words in this Act as in incorporated Acts.

4. Except as in this Act otherwise provided, the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated with this Act, or any of them, shall in this Act have the Meanings so assigned to them respectively, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction.

Incorporation of Company.

5. From and after the passing of this Act the old Company shall be dissolved and shall cease to exist, and the present Shareholders in that Company, and all other Persons who have already subscribed or shall hereafter subscribe to the Company incorporated by this Act, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for other the Purposes of this Act, by and under the Name of "The *Cork* Gas Consumers Company" (and which Company is in this Act called "the Company"), and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes and subject to the Restrictions of this Act.

General Powers of Company.

6. Subject to the Provisions of this and the incorporated Acts, the Company may make and sell and supply Gas within the Limits of this Act, and may manufacture, sell, and dispose of Coke, Coal, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Matters which can or may be compounded or produced from the Coal or other Materials employed in the Manufacture of such Gas, and may purchase and sell Lime and other Things used in or about the Manufacture of Gas, and may manufacture and sell, purchase, let, or deal in Gas Fittings, Tubes, Meters, Pipes, and all other Matters and Things in any way used in or incident in or to the Manufacture of Gas, or connected with the Supply of Gas to the Consumers thereof, in such Manner as the Company may think proper: Provided always, that nothing in this Act contained shall prevent the Company from being liable to an Indictment for Nuisance, or to any other legal proceeding to which they may be liable, in consequence of any of the Operations aforesaid.

7. Subject

Present Property vested in Company incorporated by this Act.

7. Subject to the Provisions of this Act, all Lands, Works, Buildings, Rights, Powers, Authorities, and Easements which immediately before the passing of this Act were vested in the old Company, or to which they were in anywise entitled at Law or in Equity, and especially the Works, Plant, Rights, and Undertaking formerly of the *United* Company at or near *Cork*, and also all Mains, Pipes, Plant, Lamps, Retorts, Meters, Lamp Posts, Apparatus, Stock, Effects, Matters, and Things whatsoever which have been by the old Company purchased or provided, laid down, erected, or placed in any Place or House within the Limits of this Act, or which immediately before the passing of this Act were the Property of or belonging to the old Company, and all Monies, Securities, Credits, Debts, Effects, and other Property whatsoever belonging to the old Company, or to any Trustees on their Behalf for the Purposes of that Company, shall be and the same are hereby vested in the Company for the same Estate and Interest as the same were previously to the passing of this Act vested in the old Company or any Trustees on their Behalf, and may, according to the Provisions of this Act, be held and enjoyed, sued for, and recovered by the Company as they may think fit.

Articles of Association of old Company annulled.

8. Subject to the Provisions of this Act, the existing Memorandum and Articles of Association of the old Company shall as to any future or prospective Operation thereof be wholly void and of none Effect.

Saving previous Rights and Liabilities.

9. Notwithstanding the Operation of this Act, and except as is thereby otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old Company shall be as valid as if this Act had not passed, and this Act, and the Operation thereof, shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands the Company shall to all Intents and Purposes represent the old Company.

Contracts prior to the passing of this Act to be binding.

10. Except as by this Act otherwise specially provided, all Purchases, Deeds, Contracts, Bonds, and Agreements entered into or made before the passing of this Act by, to, or with the old Company, or any Persons acting on behalf of the old Company, or by or with any other Person to whose Rights and Liabilities they have succeeded as Assigns, and now in force, shall be as binding and of as full Force and Effect in every respect against or in favour of the Company, and may be enforced as fully and effectually, as if, instead

instead of the old Company, or the Trustees, Directors, or Persons acting on behalf of the old Company, the Company had been a Party thereto.

Actions, &c. not to abate.

11. Nothing in this Act contained shall release or suspend any Action or Proceeding at Law or in Equity which was pending by or against the old Company, but any such Action or Proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the Case may be) in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the old Company if this Act had not been passed, the Company being in reference to the Matters aforesaid in all respects substituted for the old Company.

Trustees of old Company to be indemnified.

12. Every Trustee, Director, or other Person in whom or in whose Name any Lands, Rights, Property, or Effects belonging to the old Company were vested immediately before the passing of this Act, and who (having been duly authorized so to do) has entered into a Contract or Engagement in respect of the same, or otherwise on behalf of the old Company, shall be indemnified and saved harmless out of the Property of the Company from and against all Liability and Expenses by reason of such Contract or Engagement.

Company to satisfy Liabilities of old Company.

13. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all other respects be subject to all Obligations and Liabilities to which the old Company immediately before the passing of this Act were or but for this Act would become subject, and shall bear and pay all the Expenses of and incident to the winding up of the Affairs of the old Company, and shall indemnify the Shareholders, Directors, Officers, and Servants of the old Company, and their respective Representatives, from all such Obligations, Liabilities, and Expenses, and all Costs in that Behalf.

As to Payment of Debts owing before passing of this Act.

14. All Persons who immediately before the passing of this Act owed any Money to the old Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or payable upon the same, to the Company; and all Debts and Monies which immediately before the passing of this Act were due from the old Company, or for the Payment of which the old Company were or but for this Act would be liable, shall be paid, with all Interest (if any) due or payable or accruing upon the same, by the Company.

Certificates, &c. to remain in force.

15. Notwithstanding the Avoidance of the said Articles of Association, all Certificates (until cancelled under the Powers of this Act),

Act), Sales, Transfers, and Dispositions made or executed under those Articles of or with respect to any Shares in the old Company shall remain in full Force and continue and be available in all respects as if those Articles had not been avoided.

Officers to continue until removed.

16. All Officers and Servants of the old Company who were in Office immediately before the passing of this Act shall hold and enjoy their respective Offices and Employments, together with the Salaries thereunto annexed, until they shall resign the same, or be removed therefrom by the Company, and shall have the like Powers and Authorities for the Purposes of this Act, and shall be subject to the like Obligations, Penalties, Powers, Restrictions, and Regulations, in all respects whatsoever as if they had been appointed under this Act.

Definition of the Company's Capital.

17. The Capital of the Company is One hundred and fifty thousand Pounds, being the aggregate of the Sums following; that is to say,

(A.) The old Company's subscribed Capital of One hundred and twenty thousand Pounds, in Twenty-four thousand Shares of Five Pounds each, of which Eighteen thousand have been fully called up, and Six thousand Shares, on each of which a Sum of One Pound has been called up, all of which Shares are herein-after called the "old Shares":

(B.) The additional Capital of Thirty thousand Pounds by this Act authorized to be raised by the Creation of new Shares of Five Pounds each.

Appropriation of existing Shares.

18. The old Shares shall be vested in the several Persons who at the Time of the passing of this Act are the registered Proprietors of Shares in the old Company upon the same Trusts, and subject to the same Powers, Agreements, Liens, and Incumbrances, as immediately before the passing of this Act affected the Shares held by them respectively, and so as to give effect to and not revoke any testamentary Disposition affecting such Shares.

Calls on old Shares not fully paid up to be paid.

19. Notwithstanding this Act, the several Holders of any old Shares which have not been fully paid or called up shall be and continue liable to pay up the unpaid or uncalled Balance on said Shares when and as the same is demanded or called up by the Company, and the same shall be payable and recoverable in like Manner as if those Shares were Shares subscribed for, created, and issued under this Act.

Company may call in and cancel

20. The Company may call in and cancel the existing Certificates of Shares, and issue in lieu thereof Certificates of Shares in the Company

Company in the Form and under the Conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the Holders of such existing Certificates shall not be entitled to any Certificates of Proprietorship under this Act until they shall have delivered up to the Company to be cancelled the existing Certificates of Shares, or shall have proved to the reasonable Satisfaction of the Company the Loss or Destruction thereof.

existing Share Certificates, and issue new Certificates in lieu thereof.

21. In addition to the said Capital in old Shares, the Company may from Time to Time raise by the Creation of new Ordinary Shares of Five Pounds each such further Sum or Sums as they may think proper, not exceeding in the whole Thirty thousand Pounds.

Power to raise additional Capital by new Shares.

22. The Company shall not issue any new Share, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Shares not to issue until One Fifth paid up.

23. The Profits of the Company to be divided amongst the Shareholders in any Year shall not exceed in any Form, or on any Part of the Capital of the Company, the Rate of Eight Pounds for every Hundred Pounds actually paid of such Capital.

Limit of Dividends on Capital.

24. If any Money be payable by the Company to a Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of his or her respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Receipt of Guardians, &c. to be sufficient Discharge.

25. The Company may from Time to Time borrow on Mortgage any Sum or Sums of Money not exceeding in the whole, in addition to the Sum of Nine thousand one hundred Pounds already borrowed, the Sum of Twenty-eight thousand five hundred Pounds: Provided that the Company shall not borrow on Mortgage any Sum exceeding with the said Sum of Nine thousand one hundred Pounds the Sum of Thirty thousand Pounds until Shares for the whole additional Capital of Thirty thousand Pounds by this Act authorized to be raised are issued and accepted, and One Half of that Capital is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for the whole of that Capital have been issued and accepted, and that One Half of that Capital has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account of that Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were issued and taken *bonâ fide*, and are held by the Persons to whom they were issued, or their Assigns, and that such

Power to borrow on Mortgage.

such Persons or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by the Appointment of Receiver.

26. The Mortgagees of the Company may enforce the Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or of Principal and Interest, the Amount owing to the Mortgagees by whom the Application for such Receiver shall be made shall not be less than Four thousand Pounds in the whole.

Debenture Stock.

27. The Company may create and issue Debenture Stock, and may assign to such Stock such Rate of Interest as they think fit, not exceeding Five and a Half Pounds *per Centum per Annum*.

Existing Mortgages to have Priority.

28. All Mortgages or Bonds lawfully granted by the old Company, and which shall be subsisting at the Time of the passing of this Act, shall, during the Continuance of such Mortgages or Bonds, have Priority over any Mortgages to be granted by virtue of this Act.

Application of Monies.

29. All Monies raised under this Act by the Company, whether by Shares, Debenture Stock, or borrowing, shall be applied only to the Purposes by this Act authorized.

First and other Meetings.

30. The First Ordinary Meeting of the Company shall be held in the Month of *August* or *September* next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall take place at least once in every Year, and, subject to Alteration by the Company, shall be held in the Month of *September* in each Year.

Notice of Meetings,

31. Seven Days Notice of General Meetings shall be sufficient, and the Accounts of the Company shall be balanced Seven Days before the Ordinary Meeting at which they are to be submitted.

Power to Directors to make ad interim Dividends.

32. So long as the Ordinary General Meetings of the Company shall not take place oftener than once in every Year, it shall be lawful for the Directors to declare such Dividend as they shall consider expedient in reference to the financial Position of the Company in the Interval between each General Meeting.

Quorum of General Meetings,

33. The Quorum of General Meetings (whether ordinary or extraordinary) of the Company shall be Ten Shareholders, present personally

personally or by proxy, holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

Number of Directors.

34. The Number of Directors shall be Seven, but it shall be lawful for the Company from Time to Time to reduce the Number, provided that the Number be not less than Five.

Remuneration of Directors.

35. The Remuneration to be voted to the Directors shall not in any Year exceed the Sum of Seven hundred Pounds.

Qualification of Directors.

36. The Qualification of a Director shall be the Possession in his own Right of not less than Twenty-five fully paid-up Shares.

Quorum.

37. The Quorum of a Meeting of Directors shall be Three.

Appointment and Rotation of Directors.

38. The Directors who at the Time of the passing of this Act are Directors of the old Company shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting held in the Year after the passing of this Act, and at that Meeting the Shareholders present in person or by proxy may either elect new Members to supply the Place of such Number of and such of the Directors then in Office as would have retired from Office had the old Company not been dissolved, or may continue those Directors (if qualified) in Office; and at the First Ordinary Meeting to be held in each Year after the Year next after the passing of this Act the Shareholders present in person or by proxy shall (subject to the Power in this Act contained for reducing the Number of Directors) elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the same Act.

Appointment of Auditors.

39. The Persons who at the Time of the passing of this Act are Auditors of the old Company shall be and become Auditors of the Company for the same Period of Time, and subject to the same Conditions, as the Auditors of the old Company would have been if this Act had not been passed.

Power to Corporation to appoint an Auditor of Company's Accounts.

40. It shall be lawful for the Corporation from Time to Time to appoint and pay an Auditor of the Company's Accounts, who need not be a Shareholder in the Company, and the said Auditor shall be entitled to all the Rights and Privileges of any Auditor appointed by the Company, on a Certificate of his Appointment under the Hand

Hand of the Town Clerk being deposited at the Office of the Company addressed to the Secretary.

Limits for Supply of Gas.

41. The Limits within which the Company from Time to Time may supply Gas are the Limits for Parliamentary Purposes of the County of the City of *Cork* as they exist at the Time of the passing of this Act, or may hereafter be extended.

Powers as to Maintenance of Gasworks.

42. Subject to the Provisions of this Act, the Company may from Time to Time maintain and use the Gasworks heretofore belonging to and used by the old Company, and may do all such Acts as they think proper in that Behalf, and also for making, storing, and supplying Gas at and from those Works, and also for other the Purposes of this Act: Provided always, that no Lands shall be used by the Company for the Purposes aforesaid excepting the Lands now vested in the Company, and described in the First Schedule to this Act.

Power to purchase Lands by Agreement.

43. The Company may from Time to Time purchase by Agreement any additional Lands which they may require for the Purposes of their Undertaking, not exceeding in the whole Fifteen Acres.

Power to lay Pipes against Buildings.

44. The Company, with the Consent of the Owner and Occupier of any Building, may lay any Pipe, Branch, or other proper Apparatus from any Main or Branch Pipe into, through, or against the Building for the Purpose of lighting it, and may, with the like Consent, provide and set up any Apparatus proper for securing to the Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of the Supply, and may repair, replace, alter, or discontinue and remove any such Pipe or Apparatus.

Provisions as to opening of Streets.

45. When the Company have Occasion, under the Powers in that Behalf conferred upon them by this Act, to open or break up the macadamized Roadway of any public Quay, Street, or Bridge, or any Sewer, Drain, or Tunnel therein, or the Pathway of any public Quay, Street, or Bridge, in the Borough of *Cork*, they shall with all convenient Speed fill in the Ground, and reinstate and make good the Roadway, or the Sewer, Drain, or Tunnel, or the Pathway, so opened or broken up, in the same Order and Condition, and subject to the reasonable Satisfaction of the City Engineer or other proper Officer of the Corporation; and in case the Company omit to comply with such Condition, then and in every such Case it shall be lawful for the Corporation to perform the Duty by this Section imposed on the Company, and to recover the Expenses to be thereby incurred from the Company (in case same are not paid on Demand) in any Court of competent Jurisdiction: Provided always, that nothing in this

Act

Act contained shall authorize or empower the Company, except in Cases of Emergency, under a Penalty of Five Pounds for each Offence, to open or break up any public Quay, Street, or Bridge in the said Borough, the Roadway of which now is or hereafter shall be Block-paved, without the previous Sanction in Writing of the Corporation, or their lawfully authorized Officer, first had and obtained; but in case the Corporation or their Officer omit or decline to give such Sanction within Three Days from such Application, then and in every such Event the Corporation shall, at the Request and Expense of the Company, under a Penalty of Five Pounds for each Default, cause such Block-paved Quay, Street, or Bridge, or so much thereof as the Company may require, to be opened, and shall permit and suffer the Company to lay therein their Main or Service Pipes, or repair same, and the Corporation shall cause said Pavement to be reinstated; and in case the Company, on Demand, refuse or omit to pay the Expenses to be thereby incurred, the Amount thereof, with all Costs of Suit, may be recovered by the Corporation in any Court of competent Jurisdiction.

Company to erect Lamps and supply Gas for public lighting, on Request of Corporation.

46. The Company shall, at the Request of the Corporation, erect such and so many public Lamps and other Apparatus in such Situations, and supply them with so much Gas, as the Corporation may from Time to Time desire, and the Corporation may contract with the Company for such Supply.

Company to light public Lamps.

47. The Company shall, if required by the Corporation, from Time to Time light, extinguish, clean, and repair all public Lamps to which the Company shall supply Gas, and the Sum to be paid to the Company for such lighting, extinguishing, cleansing, and repairing, and for the Use, Maintenance, and Repair of the Lamp Posts, Lamps, Service Pipes, Burners, and Stopcocks to be provided and maintained by the Company as aforesaid, shall, unless otherwise agreed, be Fifteen Shillings *per* Lamp *per Annum*, payable half-yearly.

Meters for Lamps.

48. The Gas supplied to the public Lamps within the Limits of this Act shall be consumed by Meter at the Option from Time to Time of the Corporation or of the Company, and in case of its being consumed by Meter the Meters shall be provided, fixed, maintained, and repaired by and at the Expense of the Corporation, but neither Party shall, except as herein-after provided, be entitled to require that a Meter be affixed to more than One in every Twelve Lamps then supplied by the Company with Gas: Provided however, that the Corporation or the Company shall be at liberty at any Time, if they think fit, to have Meters affixed to any additional Number of Lamps, the Party desiring to have such additional Meters affixed providing the same, and paying the additional Expense of fixing, maintaining,

maintaining, and repairing the same, and of providing or altering and adjusting the Lamp Posts, and other Things necessary for their Reception and Use: Provided also, that if the Gas shall be supplied to the public Lamps by partial Meter Indication, the Company shall, for securing Uniformity of Consumption between the metered and unmetered Lamps, from Time to Time provide the public Lamps under the Control of the Corporation with a proper self-acting Pressure Regulator, or other proper regulating Apparatus, to the Satisfaction of the Corporation.

Gas supplied to public Lamps to be permitted to pass without Obstruction.

49. The Gas to be supplied to any such public Lamp shall be permitted to pass unrestrictedly to and from such regulating Apparatus for the whole of the Period during which any such public Lamp shall be lighted.

Average Amount of Indication to be Amount consumed.

50. The average Amount of the Indications of all the Meters attached to the public Lamps under the Control of the Corporation shall be deemed to be the Amount consumed by each such public Lamp.

Defective Meters to be thrown out of account.

23 & 24 Vict. c. 66.

51. If either the Company or the Corporation shall dispute the Accuracy of the Registration of any Meter, then such Meter shall be tested in manner provided by the Act passed in the Session of Parliament held in the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, intituled *An Act for regulating Measures used in Sales of Gas*, and if found to register erroneously within the Meaning of the said Act, it shall not be deemed to be One of the Meters from which the Average aforesaid shall be determined.

Supply of public Lamps.

52. The Price of the Gas supplied to the public Lamps within the Limits of this Act shall not exceed the lowest Price charged by the Company to any private Consumer: Provided always, that if the Corporation give to the Company Three Months Notice of their Intention to do so, they may contract with the Company for any Term of Years not exceeding Three; and the Company shall be required to supply for a like Term all the public Lamps with Four Cubic Feet of Gas *per* Hour from Sunset to Sunrise the Year round at a Charge not exceeding Four Pounds Sterling *per* Lamp *per Annum*, and such Charge shall be inclusive of the Sum of Fifteen Shillings for lighting, extinguishing, cleansing, repairing, and for the Use, Maintenance, and Repair of said Lamps, Lamp Posts, Service Pipes, Burners, and Stopcocks, the Corporation being at liberty, if they think fit, to attach a Meter to any public Lamp for the Purpose of testing its Consumption.

53. If

As to Settlement of Disputes respecting public lighting.

53. If and whenever any Difference shall arise between the Company and the Corporation either as to the Lamps to which Meters shall be affixed, or as to the Mode or Places of affixing the same, or as to the Registration of any Meters, or as to the Burners or regulating Apparatus to be used, or as to the Amount to be paid in accordance with the Provisions of this Act for Gas supplied to the public Lamps within the Limits of the Act, or as to any other Matter pertaining thereto, the Matter in Difference shall be settled by Arbitration in the Manner prescribed by "The Lands Clauses Consolidation Act, 1845," in that Behalf: Provided that in case of Difference between the Arbitrators in the Choice of an Umpire, the said Umpire shall be chosen by the Lord Chief Justice of *Ireland*.

Company in certain Cases to supply Gas on Request.

54. The Company, at the Request of any Owner or Occupier of any House, Part of a House, Factory, or other Premises, within Twenty Yards of which any Main Gas Pipe of the Company is then laid, shall furnish to him a sufficient Supply of Gas for the Premises at a Rate not exceeding the Rate by this Act prescribed, and in order thereto shall provide and lay all proper and sufficient Service and other Pipes from and communicating with the Main up to the Meter; provided that nothing in this Act shall render it compulsory upon the Company to lay any Service Pipes on private Property at their own Cost beyond a Distance of Fifteen Yards from the Main, and the Person requiring the Supply shall pay to the Company the Cost of the Service Pipe beyond that Distance.

Consumer may be required to use Meters.

55. Every private Consumer of the Gas supplied by the Company shall, upon being required by the Company, consume the Gas so supplied by a Meter, which may either be purchased by the Consumer, and if so shall be re-purchased from him by the Company at the current net Price, or which may be provided by the Company, and lent free of Charge so long as the Consumer shall be supplied with Gas by the Company.

Fraudulently injuring Meters.

56. Every Person who wilfully, fraudulently, or by culpable Negligence injures or suffers to be injured any Meter or Fitting of the Company, or fraudulently alters the Index to any Meter, or prevents any Meter from duly registering the Quantity of Gas supplied, shall, without Prejudice to any other Right or Remedy for the Protection of the Company or the Punishment of the Offender, for every such Offence forfeit and pay to the Company not exceeding Five Pounds, and the Company may, in addition thereto, recover the Amount of any Damages by them sustained, and, notwithstanding any Contract with respect to the Supply of Gas to the Person so offending, the Company may also discontinue the Supply

of Gas to the Person so offending until the Damage or Injury is remedied, and the Amount of the Damages are paid.

Power to remove Meters and Fittings.

57. The Company, after Forty-eight Hours Notice in Writing under the Hand of the Secretary or some other Officer of the Company to the Occupier, or if unoccupied then to the Owner or Lessee of any Land, House, or Building in which any Pipe, Meter, or Fitting belonging to the Company is laid or fixed, may enter the Premises within the Hours of Nine in the Morning and Four in the Afternoon for the Purpose of removing and may remove the Pipes, Meters, or Fittings, repairing all Damages caused by the Entry or Removal; and every such Notice shall be served by being delivered to the Person for whom it is intended, or left at his usual or last known Place of Abode, or if the Person or his Address be not known to the Company after due Inquiry, then by being affixed on some conspicuous Part of the Premises.

Limit of Charge for Gas.

58. Subject to the Provisions of this Act, the Price to be charged by the Company for Gas supplied by Meter, and which in all Cases shall include Meter Rent, shall not, as regards the District comprised in any Lighting Contract with the Corporation, exceed the Rate of Four Shillings and Ninepence for One thousand Cubic Feet of Gas, nor outside the Limits of such District the Rate of Five Shillings and Threepence.

Quality of Company's Gas.

59. All the Gas supplied by the Company shall, after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight, be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to Fourteen Sperm Candles of Six in the Pound burning One hundred and Twenty Grains *per* Hour.

Company to erect and maintain experimental Meters for testing.

60. The Company shall, within Three Months from the passing of this Act, cause to be erected in a Testing Room at or near the Offices of the Company in the Borough of *Cork* an experimental Meter furnished with a Burner of the Description herein-before specified, with other necessary Apparatus, for testing the illuminating Power of the Gas; and in order to test the illuminating Power and Purity of the Gas supplied by the Company, the Corporation may by Order, evidenced as by Law required, appoint some competent Person to proceed to the said Testing Room in which such experimental Meter is erected, and the Person so appointed may at any reasonable Time in the Presence of the Superintendent or other Officer of the Company, or other Person appointed by them, if he shall be in attendance, and if not then in his Absence, make Experiment of the illuminating Power and Purity of the Gas; and

if

if it shall be proved to the Satisfaction of Two Justices, after hearing the Parties, that the illuminating Power or Purity of the Gas supplied by the Company is not, when so tested, equal to the illuminating Power or Purity by this Act prescribed, then the Company shall forfeit such Sum not exceeding Twenty Pounds as the Justices shall determine.

Power to Justices to make Order on hearing of Complaint.

61. When on the Hearing, and whether or not the Company have appeared, provided that they have had due Notice, it appears to the Justices that the Complaint of the Corporation against the Company is well founded, the Justices shall make an Order declaring that it is well founded, and order the Company to pay any Penalties thereby incurred, and to remove within a reasonable Time to be expressed in their Order the Grounds of Complaint, and they may by such Order direct that any specific Acts shall, within such a reasonable Time to be expressed in such Order, be done by the Company for removing the Grounds of Complaint.

Company to remove Cause of Complaint.

62. When the Company are served with any such Order so made they shall, within the Time thereby limited, remove the Ground of Complaint, and pay the Penalty and Damages (if any) and Costs (if any) thereby ordered to be paid by them.

Costs of Experiment to be paid according to Event.

63. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceeding before the Justices, shall be ascertained by the Justices, and in the event of any Penalty being imposed on the Company shall be paid, together with such Penalty, by the Company, but in the event of no such Penalty being imposed on the Company then those Costs shall be ascertained by the Justices, and shall be paid by the Corporation.

Purity of Gas.

64. The Gas to be supplied by the Company shall be of such Purity that One hundred Cubic Feet thereof on Analysis shall not contain more than Five Grains of Ammonia, nor more than Twenty Grains of Sulphur, and the Gas shall be so far free from sulphuretted Hydrogen as not to discolour Paper imbued with either Acetate or Carbonate of Lead when such Paper is exposed for One Minute to a Current of Gas issuing from a Pipe under a Pressure of Five Tenths of an Inch of Water.

Test for estimating Sulphur.

65. In ascertaining and estimating for the Purposes of this Act the Amount of Sulphur contained in the Company's Gas the Process to be adopted shall be as follows: the Gas shall be burned from a *Leslie*'s Burner at the Rate of not more than One Cubic Foot of Gas *per* Hour, and the Products of the Combustion of Gas shall be conveyed,

conveyed, together with an Excess of the Vapour of Ammonia, into a Glass Receiver, where the condensible Products shall be condensed, and the Sulphur therein estimated as the Sulphate of Baryta, according to the recognized Chemical Method of thus estimating Sulphur: Provided that if at any future Time "The Metropolis Gas Act, 1860," be amended by prescribing different Limits of Impurity in respect to Sulphur and Ammonia, such altered Limits, and the Mode of ascertaining the Degrees of Impurity which may from Time to Time apply to and be in force in the Metropolis, shall also as regards the Company apply to and be in force within the Limits of this Act.

For preventing Frauds and Waste of Gas.

66. If and whenever any Person supplied with Gas by the Company wilfully does or causes or suffers to be done anything in contravention of any of the Provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the Prevention of Waste, Misuse, or undue Consumption of the Company's Gas, the Company may cut off or stop any Pipe by or through which Gas is supplied to him, and cease to supply him with Gas so long as the Cause of Damage or Injury remains or is not remedied, and also may recover in any Court of competent Jurisdiction from every Person so offending the Amount of all Loss, Damage, or Injury which the Company sustain by reason of any such Thing or Failure; and the Remedies of the Company under this Section shall be in addition to their other Remedies in that Behalf.

Register of Meter to be primâ facie Evidence of Gas consumed.

67. The Register of the Meter shall be *primâ facie* Evidence of the Quantity of Gas consumed by any Customer of the Company, and in respect of which any Rent is charged and sought to be recovered by the Company, but it shall be open to the Company or the Consumer to show that more or less Gas has passed through a Meter than has been thereby registered.

Recovery of Charges for Gas.

68. In case any Person who has been supplied with Gas by the Company, or who is liable under this Act to any Payment in respect of a Supply of Gas, fails for Thirty Days after Demand thereof by the Company, their Agent or Collector, to pay the Amount due in respect of the Supply, any Justice in Petty Sessions, on Application by the Company, shall issue his Summons to the Person requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of the Person, or, in default of Appearance, after Proof of the Service of the Summons either personally or at his last known Place of Abode or of Business, sufficient Cause be not shown to the contrary, the Justice shall issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of the

Person

Person for the Recovery of the Amount proved before the Justice to be due from the Person, with such Costs to be settled by the Justice, and including the Costs of cutting off the Gas, if the same be cut off by the Company, as the Justice thinks just and reasonable.

Incoming Tenant not liable to pay Arrears of Gas.

69. In case any Consumer of the Gas of the Company shall leave the Premises where such Gas has been supplied without paying to the Company the Gas Rent due from him, the Company shall not be entitled to require from the next Tenant of such Premises the Payment of the Arrears left unpaid by the former Tenant, unless such incoming Tenant shall have undertaken with the former Tenant to pay or exonerate him from the Payment of such Arrears.

Company to make Map of Mains.

70. The Company shall, within One Year after the passing of this Act, make a Map of the District within which their Main Gas Pipes then lie, on a Scale of not less than Six Inches to a Mile, and shall mark thereon the Lines and Sizes of all their then existing Mains, and shall once in every Year correct such Map, and make such Alterations in and Additions thereto as will show the Lines and Sizes of all their Mains for the Time being.

As to Custody and Inspection of Map.

71. Every Map so made by the Company, or a Copy thereof, with the Time when it was made or was last corrected expressed thereon, shall be kept by the Company at their Offices, and shall at all reasonable Times be open to the Inspection of the Corporation and their Officers, who may take Copies or Extracts from the same, and the Secretary of the Company may charge and take the Sum of One Shilling for every Inspection of such Map at the Offices of the Company, and the further Sum of Two Shillings and Sixpence for every Extract from or Copy taken of such Map.

Penalty on Company for every Default.

72. If the Company fail to comply with any of the Requirements of this Act with respect to such Map, they shall for every such Offence forfeit and pay to the Corporation any Sum which Two Justices may adjudge not exceeding Ten Pounds.

Providing for Publication, &c. of Annual Account,

73. In lieu of the Account prescribed by the Thirty-eighth Section of "The Gasworks Clauses Act, 1847," an Account, in the Form and containing the Particulars specified in the Second Schedule to this Act, shall be made up to the Day at which the Books of the Company shall be balanced in each Year, and shall be published for Two successive Weeks in some Newspaper published and circulated in the Borough of *Cork* within Three Months thereafter; and a Copy of the said Account shall, within the same Period, be transmitted free of Charge to the Town Clerk of the Borough under a Penalty of Twenty Pounds for each Default, and the Copy so sent

shall be kept by the Town Clerk, and shall be open to Inspection by all Persons at all reasonable Hours.

Penalties on Company not cumulative.

74. Penalties imposed on the Company for one and the same Offence by several Acts of Parliament are not cumulative, and for that Purpose this Act and the Acts incorporated therewith are several Acts.

Notices.

75. All Notices required to be given by Advertisement by the Company shall be advertised in some Newspaper published at *Cork*.

Liability to Gas Rent not to disqualify Justices.

76. Except as is by this Act otherwise expressly provided, no Justice or Judge of any Court shall be disqualified from acting in the Execution of this Act by reason of his being liable to the Payment of any Gas Rent or other Charge under this Act.

Contents of Warrant.

77. Any One Summons or Warrant issued for any of the Purposes of this Act may contain in the Body thereof, or in a Schedule thereto, several Names and several Sums.

Warrant shall include Costs.

78. Any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for the Recovery of the Money to be levied shall be paid by the Person liable to pay such Money, and such Costs shall be ascertained by the Justices, and shall be included in the Warrant of Distress for the Recovery of such Money.

Saving Rights of Corporation.

79. Save as by this Act specially provided, nothing in this Act contained shall alter, limit, prejudice, lessen, impair, or affect any of the existing Authorities, Rights, Powers, Franchises, or Privileges vested in or enjoyed by the Corporation, nor prejudice, vary, or rescind any Contract now subsisting between the Company and the Corporation for the lighting of the Borough, or the Supply of Gas to the Inhabitants thereof.

Saving the Rights of the Cork Harbour Commissioners.

80. Nothing in this Act, or in any Act incorporated herewith, shall extend to authorize the Company to lay down or place any Mains or Pipes over or under the Bed of the River *Lee*, or by means of the Powers conferred by this Act to do any Act interfering with the Navigation of the said River, without the Consent of the *Cork* Harbour Commissioners as constituted by the Act First *George* the Fourth, Chapter Fifty-two (Local), signified under the Hand of their Secretary or Clerk for the Time being first had and obtained.

Expenses of Act.

81. All Costs, Charges, and Expenses of applying for and obtaining this Act, or incident thereto, shall be paid by the Company.

FIRST

FIRST SCHEDULE referred to in the foregoing Act.

LANDS now belonging to the old Company, which Lands are situate in the Parish of Saint Nicholas in the Parliamentary Borough or County of the City of Cork, one Portion of the said Lands being bounded on the North by a Part of the Lands of the Monerea Marsh Company, on which at present a Road is in course of Formation, and on which Road said old Company has a Right of Way; on the South by the Gasworks Road; on the East partly by said Road in course of Formation, and partly by said Gasworks Road; on the West by Albert Street; and the other Portion of the said Lands being bounded on the North partly by Cottages in the Possession of Harry A. Dixon, or his Undertenant, partly by the said Gasworks Road, partly by a private Road belonging to said Harry A. Dixon, over which said old Company have a Right of Way, and partly by a Field belonging to said Harry A. Dixon, now in the Possession of Timothy Mahoney; on the South partly by a Cottage and Garden in the Possession of George Reed, partly by a House and Garden in the Occupation of Catherine Barry, and partly by the Blackrock Road; on the East partly by a private Road belonging to the said Harry A. Dixon, over which the said old Company have a Right of Way, partly by a House and Land in the Occupation of Timothy Mahoney, and partly by Gardens in the Occupation of Thomas Keenan, James Barber, and Edward Dunne respectively; on the West partly by a House and Garden in the Occupation of Catherine Barry, and partly by Cottages and Gardens attached thereto in Sleigh's Lane, in the Occupation of George Reed, Patrick Griffin, John Bullen, Denis Kelleher, and Thomas Grant respectively, and partly by Sleigh's Lane, and partly by Cottages and Premises in the Possession of Harry A. Dixon or his Undertenants.

The SECOND SCHEDULE referred to in the foregoing Act.

THE CORK GAS ACT, 1868.

ANNUAL STATEMENT of Accounts, showing the actual State and Condition of the Concerns of the Cork Gas Consumers Company for the Year ending the Day of 18 .

Dr. REVENUE ACCOUNT. *Cr.*

	£	s.	d.		£	s.	d.
To Coals carbonized - -				By Rental from private Consumers			
„ Labour - - -				„ Public Lighting Rental -			
„ Wear and Tear - - -				„ Coke and other Residuals sold			
„ Public Lighting - -							
„ Lime and other Gas-making Materials - - -							
„ Salaries, including Collection -							
„ Rents, Rates, &c. - -							
„ Advertising, Stationery, and Printing - - -							
„ Directors - - -							
„ Auditors - - -							
„ Law Expenses - -							
„ Office Expenses—Postage Stamps, &c. - - - -							
„ Profit and Loss - -							
£				£			

Dr. PROFIT AND LOSS ACCOUNT. *Cr.*

	£	s.	d.		£	s.	d.
To —— Dividend - -				By Balance unappropriated Profits			
„ Interest - - -				„ Revenue - - - -			
„ Charges - - -							
„ Reserve for bad Debts -							
„ Depreciation Fund -							
„ Insurance Fund -							
„ Balance net Profits -							
£				£			

Dr. BALANCE SHEET. *Cr.*

	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.
To Capital Account paid on Shares - -							By Permanent Investment Extensions, viz.:						
„ Debentures - -							Works - -						
							Mains - -						
„ Balance due to sundry Persons							Services - -						
„ Dividends unclaimed - -							Meters - -						
„ Reserve for bad Debts - -							Public Lighting -						
„ Depreciation Fund - -							Engineering and Superintendence -						
„ Insurance Fund - -													
„ Balance net Profits - -							„ Due by sundry Persons -						
							„ Rental - - -						
							„ Public Lamps - -						
							„ Stock in Trade, including Mains, Meters, Coals, &c. - -						
£							£						

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