ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. lxxvii.

An Act to authorize the *Liverpool* United Gaslight Company to increase their Capital, and to purchase additional Lands; and for other Purposes. [19th *June* 1865.]

WHEREAS by "The *Liverpool* United Gaslight Company's Act, 1848," (herein-after referred to as "the recited Act") "The *Liverpool* Gaslight Company" and "The *Liverpool* New Gas and Coke Company" were dissolved, and "The *Liverpool* United Gaslight Company" (herein-after called "the Company") were incorporated, and authorized to purchase and hold Lands, and to manufacture and supply Gas within the Town of *Liverpool* and the several Townships in the County of *Lancaster* in the said Act mentioned: And whereas by the said Act it was enacted that the Capital of the Company should consist of Two several Sums of Two hundred and twenty-five thousand Pounds and One hundred and ninety-eight thousand seven hundred and fifty Pounds (being the Amount of Capital respectively raised by the dissolved Companies), making together the Sum of Four hundred and twenty-three thousand seven hundred and fifty Pounds: And whereas by the said Act the Company were authorized to raise further Capital and Monies in manner therein mentioned to the Extent of Two hundred

11 & 12 Vict. c. xxxviii.

and fifteen thousand and eighty-seven Pounds, of which One hundred and fifty-six thousand eight hundred and nine Pounds have been since actually raised; and the Company were further empowered to borrow Money on Mortgage or Bond, not exceeding in the whole (inclusive of Thirty-four thousand eight hundred Pounds theretofore borrowed by One of the said dissolved Companies) to the Extent of One hundred thousand Pounds, the whole of which has been borrowed: And whereas, by reason of the rapid Increase of Population in the District authorized to be lighted by the Company, and the greatly increased Demand for Gas in the said District, the Amount of Capital and Monies authorized to be raised and borrowed under the said Act has been found and is insufficient for the proper and efficient Supply of the said District with Gas, and it is expedient the Company should be authorized to raise additional Funds for such Purpose: And whereas by the said Act the Company are restricted from holding at one and the same Time more than Twenty-eight Acres of Land, and the same is insufficient for the Purposes of their Undertaking, and it is expedient that the Company should be authorized to purchase and hold additional Lands: And whereas it is also expedient that certain of the Provisions of the said Act should be amended; and the Objects 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

Short Title.

1. This Act may for any Purpose be cited as "The *Liverpool* United Gaslight Company's Act, 1865."

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

2. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several Matters following, (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for the Nonpayment of Calls, the Remedies of the Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Consolidation of the Shares into Stock, and the Provisions for affording Access to the Special Act, and Parts I. and II. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, and to additional Capital, and "The Lands Clauses Consolidation Act, 1845," (except such Portions thereof as refer to the Purchase of Lands otherwise than by Agreement,) and "The Lands Clauses Consolidation Act Amendment Act, 1860," are hereby incorporated with this Act.

3. The

Power to raise additional Capital by new Shares.

3. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present in person or by proxy at any General Meeting or General Meetings of the Company convened with special Notice of the Purpose, may from Time to Time raise by the Creation of new Shares or Stock in their Undertaking any further Sums of Money not exceeding in the whole the Sum of Three hundred thousand Pounds, in addition to the Capital and Monies by the recited Act authorized to be raised.

Shares to form Part of General Capital.

4. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the General Capital of the Company.

Calls.

5. The Amount of a Call on any new Shares created under this Act shall not exceed Twenty *per Centum* on the nominal Value thereof, and the Interval between successive Calls shall not be less than Three Months.

Shares not to issue until One Fifth paid up.

6. It shall not be lawful for the Company to issue any Share or Stock, nor shall any Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share or Stock shall have been paid up in respect thereof.

Rate of Dividend on new Shares.

7. The prescribed Rate of Profits to be divided among the Shareholders shall, as regards the Shares to be issued under this Act, be Seven Pounds on the Hundred Pounds by the Year on the Amount for the Time being paid up on those new Shares.

Power to borrow on Mortgage.

8. In addition to the Monies raised under the Powers of the recited Act by Mortgage or Bond, the Company may from Time to Time borrow on Mortgage such Sums as they think fit, not exceeding Sixty thousand Pounds, but no Part of that Money shall be borrowed until the whole of the said additional Capital of Three hundred thousand Pounds shall have been *bonâ fide* subscribed for and issued, and One Half of that Amount shall have been actually paid up, nor until the Company shall 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 all the said additional Capital of Three hundred thousand Pounds has been subscribed for *bonâ fide* and issued, and One Half thereof paid up, and that not less than One Fifth of the Amount of all Shares or Stock was paid on Issue of the same, and that such Sharas or Stock are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proofs having been given the Certificate of such Justice under that Section shall be sufficient Evidence).

9. All

Monies to be applied only to Purposes of Company.

9. All Monies raised under the Powers of this Act by the Creation of new Shares or Stock, or by borrowing on Mortgage or Bond, shall be applied only to the Purposes authorized by this and the recited Act.

Power to purchase Lands in Schedule.

10. The Company may purchase, take, and hold the Lands specified in the Schedule to this Act, and any other Lands not exceeding in the whole at any One Time the Quantity of Sixty Acres, inclusive of the Quantity authorized to be held under the Provisions of the recited Act.

Lands to be taken only by Agreement.

11. Nothing in this Act contained shall authorize the Company to take or use any Land, except with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Power to erect Gasworks.

12. The Company, may under the Authority of this Act, erect upon the Lands specified in the Schedule to this Act such Gasworks, whether for the Manufacture of Gas or otherwise, as they may think fit; but this Act shall not authorize the Company to erect any Works for the Manufacture of Gas, except upon the Lands specified in such Schedule.

As to Quality of Gas to be supplied.

13. The Forty-second Section of the recited Act is hereby repealed, and from and after the passing of this Act all Gas supplied by the Company shall be of the best and purest Quality, and shall be with respect to its illuminating Power at a Distance as near as may be of One thousand Yards from the Works such as to produce from a Batswing or Fishtail Burner consuming Five Cubic Feet of Gas *per* Hour a Light equal in Intensity to the Light produced by not less than Twenty Sperm Candles of Six to the Pound each burning One hundred and twenty Grains an Hour.

Test Meter.

14. The Company shall within Twelve Months after the passing of this Act cause to be erected, and shall at all Times thereafter maintain, an Experimental Meter or Experimental Meters, and each Meter shall be respectively furnished with a Batswing or Fishtail Burner capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power and Purity of the Gas, and the same shall be erected in such Places as shall be agreed upon between the Company and the Corporation of *Liverpool*, or in case of Difference as shall be settled by the Recorder of the Borough of *Liverpool* in Quarter Sessions, and the same when erected shall be under the joint Custody of the Corporation and the Company.

15. It

Power to Corporation to test illuminating Power of Gas.

15. It shall be lawful for the Corporation, by Order in Writing, to appoint some competent and disinterested Person, and the Person so appointed, on giving Three Hours previous Notice in Writing to the Company, may, at any reasonable Hour in the Daytime, on Production of the said Order, and in the Presence of the Manager or other Officer of the Company, if he attend at the Time appointed, make Experiment of the illuminating Power and Purity of the Gas by means of the Experimental Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance for the making of such Experiment; and if it shall be proved to the Satisfaction of any Two Justices, not being Directors or Shareholders of the Company or Members of the Corporation, after hearing the Parties, that the illuminating Power and Purity of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power and Purity by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the Justices shall determine.

Cost of Experiment.

16. The Costs of and attending such Experiment, including the reasonable Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the Justices, shall be ascertained and determined by such Justices; and in the event of any Penalty being imposed on the Company, such Costs, together with the Penalty awarded, shall be paid by the Company; but in the event of the Gas being found, when tested, not to be of less illuminating Power or Purity than by this Act prescribed, such Costs as the Justices may determine shall be paid by the Corporation to the Company, and shall be paid or levied accordingly.

Remuneration of Directors.

17. The Company may from Time to Time, at any of their General Meetings, increase the Remuneration to be paid to the Directors above the Sum of Five hundred Pounds *per Annum* to a Sum not exceeding the Sum of One thousand two hundred Pounds *per Annum*.

Penalty for Injuries to Meters, &c.

18. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Company, or alter or suffer to be altered the Index to any Meter, or who shall otherwise fraudulently use or consume the Gas of the Company, shall forfeit to the Company a Sum not exceeding Five Pounds for each Offence, to be recovered as any Penalties are recoverable under the recited Act, and the Company may, in addition thereto, recover the Amount of any Damages sus-

tained by them, and may also discontinue the Supply of Gas to or for the Use of the Person so offending, notwithstanding any Contract which may have been previously entered into.

Judges of County Courts and Justices not disqualified.

19. No Judge of a County Court or Justice shall be disqualified from acting in the Execution of this or the recited Act by reason of his being liable to any Gas Rent, Meter Rent, or other Charge under this or the recited Act.

Expenses of Act.

20. The Costs, Charges, and Expenses of and incident to the applying for and obtaining this Act shall be paid by the Company.

SCHEDULE referred to in this Act.

A Piece of Land in the Township of Bootle-cum-Linacre in the Parish of Walton-on-the-Hill in the County of Lancaster, containing Ten Acres or thereabouts, bounded on the West Side by Litherland Road, on the North and South Sides respectively by Lands of the Earl of Derby, and on the East Side by the Leeds and Liverpool Canal; and a Piece of Land in the Township of Garston in the Parish of Childwall in the said County, containing Ten Acres or thereabouts, being Part of a Field called the Chapel Field, bounded on the Southerly Side by Banks Road, on the Northerly Side by the Railway leading from Garston to Saint Helen's, on the Westerly Side by the Churchyard adjoining to Garston Chapel, and on the Easterly Side by other Part of the said Chapel Field.

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