CHAPTER xcv.

An Act to enable the Liverpool United Gaslight Company to purchase additional lands and to erect gasworks thereon; to raise further money; and for other purposes. A.D. 1882.

[3rd July 1882.]

WHEREAS by the Liverpool United Gaslight Company's Act 1848 (herein-after referred to as "the Act of 1848") 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 authorised to manufacture and supply gas within the town (now the city) of Liverpool and the several townships of Toxteth Park West Derby Everton Kirkdale Walton-on-the-Hill Bootle-cum-Linacre Litherland Great Crosby Wavertree Allerton and Garston in the county of Lancaster: 11 & 12 Vict c. xxxviii.

And whereas by the same 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 the Company were authorised to raise further capital and moneys in manner therein mentioned to the extent of two hundred and fifteen thousand and eighty-seven pounds 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 the Liverpool Gaslight Company) one hundred thousand pounds:

And whereas by the Liverpool United Gaslight Company's Act 1865 (herein-after called "the Act of 1865") the Company were empowered to raise by the creation of new shares or stock any further sums of money not exceeding in the whole the sum of three hundred thousand pounds and were also empowered to borrow on mortgage 28 & 29 Vict. c. lxxvii.

A.D. 1882.

such further sums as they might think fit not exceeding sixty thousand pounds;

43 & 44 Vict. c. cxliv.

And whereas by the Liverpool United Gaslight Company's Act 1880 (herein called "the Act of 1880") the limits of the Company for the supply of gas were extended so as to include the township of Orrell-and-Ford in the parish of Sefton in the county of Lancaster and the Company were empowered to enlarge their works:

And whereas the Company have raised and expended nearly the whole of the capital authorised to be raised by the Acts of 1848 and 1865 and have borrowed on mortgage one hundred and fifty-eight thousand seven hundred and forty pounds:

And whereas the demand for gas by the inhabitants of the city and townships aforesaid has increased and is increasing so rapidly that it has become necessary to provide further means for supplying gas to the said city and townships so as to enable the Company to fulfil their statutory obligations in that behalf and for that purpose it is expedient that the Company should be authorised to acquire further lands and to erect gasworks thereon and to raise further moneys:

And whereas plans of the lands which may be taken compulsorily under the powers of this Act and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Lancaster and are herein-after referred to as the deposited plans and book of reference.

And whereas the objects of this Act 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 (that is to say):—

Short title.

1. This Act may be cited as the Liverpool United Gaslight Company's Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 16.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (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 nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond:

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices;

The provision to be made for affording access to the special Act by all parties interested;

And also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) the Gasworks Clauses Act 1847 and the Lands Clauses Consolidation Acts 1845 1860 and 1869 are so far as the same respectively are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act incorporated with and form part of this Act.

26 & 27 Vict. c. 118.

10 & 11 Vict. c. 15. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

Incorporation of 34 & 35 Vict. c. 41.

3. The Gasworks Clauses Act 1871 shall be incorporated with this Act provided that the provisions of sections 41 and 49 and 50 of the Act of 1848 and of sections 13 14 15 and 16 of the Act of 1865 shall notwithstanding such incorporation remain in full force and effect and that any subsisting agreement between the mayor aldermen and citizens of the city of Liverpool shall not be affected by such incorporation And provided also that the Company's annual statement of accounts shall continue to be made up to the thirtieth day of June in each year as heretofore.

For the purposes of the Gasworks Clauses Act 1871 herewith incorporated the prescribed number of sperm candles and the prescribed place and time with respect to the testing place shall be those prescribed by sections 13 and 14 of the Act of 1865.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings (unless there be something in the subject or context repugnant to such construction) and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to purchase lands.

5. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use the lands shown on the

A.D. 1882.

deposited plans and described in the deposited books of reference: Provided that the Company shall not purchase or acquire the lands or any part of the lands thirdly described in the schedule to this Act otherwise than by agreement.

Period for compulsory purchase.

6. The powers of the Company for the compulsory purchase of lands may be exercised within but shall not be exercised after the expiration of three years from the passing of this Act.

Power to construct gasworks &c.

7. The Company may upon the lands described in the schedule to this Act from time to time erect lay down provide maintain alter improve enlarge extend and renew or discontinue works for the manufacture and storage of gas and any residual products arising in the manufacture of gas and may make store and supply gas and residual products accordingly but nothing in this Act shall authorise the Company to manufacture or store gas or any such residual products except upon the lands described in the schedule to this Act.

Restriction on manufacture and storing of gas.

Power to hold &c. lands.

8. The Company may retain and may from time to time let sell and dispose of any lands which they may not for the time being require for the purposes of their undertaking: Provided that the Company shall not erect or permit the erection on such lands of any buildings other than buildings to be used in connexion with their gas undertaking.

Power to Company to raise additional capital.

9. The Company may subject to the provisions of this Act from time to time raise in addition to any moneys which they have raised under or by virtue of the recited Acts any further capital not exceeding in the whole two hundred and eighty thousand pounds (in this Act called new capital) by the creation and issue at their option of new shares or stock or wholly or partially by either of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act in the whole any greater nominal amount of capital than shall be sufficient to secure including any premiums which may be obtained on the sale thereof the sum of two hundred and eighty thousand pounds or in any one year any greater nominal amount of capital than shall be sufficient to secure including any premiums which may be obtained on the sale thereof the sum of one hundred thousand pounds: Provided always that if in any year a smaller amount of capital than might under this section have been

created and issued in such year shall have been created and issued by the Company the Company may raise and issue in any subsequent year the balance of the capital so remaining uncreated and unissued.

Restriction on issue of new shares or stock.

10. No new shares or stock shall be created or issued under the powers of this Act in excess of the nominal value of two hundred thousand pounds until the Company shall have exercised to the extent of one hundred and eight thousand pounds the borrowing powers herein-after contained.

New shares or stock to be subject to the same incidents as other shares or stock.

11. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

Limit of profit on new capital.

12. The Company shall not in any one year make out of their profits any larger dividend on the new capital of two hundred and eighty thousand pounds than seven pounds in respect of every one hundred pounds actually paid up of such new capital.

New shares or stock to be offered by auction or tender.

13. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of such shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

Purchase money to be paid within three months.

14. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

A.D. 1882.

As to notice to be given as to sale &c. of shares or stock.

15. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the city of Liverpool and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers published and circulating within the city of Liverpool.

Shares or stock not sold by auction or by tender to be offered to share or stockholders.

16. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863: Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act.

As to giving notice of reserve price.

17. If any notice of a reserve price be given to the holders of ordinary shares or ordinary stock of the Company such notice shall be also given at the same time to the town clerks of the city of Liverpool and borough of Bootle-cum-Linacre respectively and to the clerks of the local boards of Toxteth Park West Derby Walton-on-the-Hill Litherland Great Crosby Wavertree Allerton and Garston respectively.

Application of premium arising on issue of shares or stock.

18. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow.

19. In addition to the sum of one hundred and sixty thousand pounds which the Company are authorised to borrow by their existing Acts they may from time to time borrow on mortgage of the undertaking any further sums not exceeding in the whole one hundred and twenty thousand pounds at a rate of interest not exceeding five per centum per annum and of such sum they may borrow from time to time not exceeding thirteen thousand five hundred pounds in respect of every twenty-five thousand pounds of the additional capital stock or shares authorised by this Act but no part of any such sum

of thirteen thousand five hundred pounds shall be borrowed until shares or stock for the twenty-five thousand pounds in respect of which the same is borrowed are or is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Priority of existing mortgages.

20. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

As to appointment of receiver.

21. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

22. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

A.D. 1882.

Borrowed money not to be converted into capital.

23. Notwithstanding anything contained in the 56th section of the Companies Clauses Consolidation Act 1845 the Company shall not raise any moneys by this Act authorised to be raised by borrowing on mortgage or by debenture stock or any part of such moneys by the creation of shares or stock instead of borrowing or convert into share or stock capital the amount raised under the provisions of this Act or the recited Acts by borrowing on mortgage or by debenture stock.

Application of moneys.

24. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall after payment of all costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act be applied for the purposes of this Act and of the recited Acts and for the general purposes of the Company but only for purposes to which capital is properly applicable.

Repealing section 38 of Act of 1848.

25. Section 38 of the Act of 1848 shall be and the same is hereby repealed.

Reserve fund.

26. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the maximum dividends to which the respective classes of capital of the Company are entitled the excess beyond the sum which may be necessary for such purposes shall from time to time be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or the like securities in order that the same may accumulate at compound interest along with the existing reserve or contingent fund of the Company until the fund so formed shall amount to the sum of seventy-five thousand pounds which sum shall form a reserve fund under the provisions of this and the recited Acts and of the Gasworks Clauses Act 1847 herewith incorporated to answer any deficiency which may at any time arise in the amount of the divisible profits of the Company or to meet any extraordinary claim or demand which may at any time be made against the Company and when such fund shall by accumulation or otherwise amount to the sum of seventy-five thousand pounds the interest and dividends thereon shall no longer be invested but shall be applied to any of the general purposes of the said undertaking to which the profits of the Company are applicable and if the said reserve fund shall have been at any time reduced or exhausted according to the provisions of this Act and the said Gasworks Clauses Act 1847 the same may again be raised and applied in the same manner as herein-before directed and so toties quoties as often as occasion shall require for the purposes herein-before mentioned: Provided always that as from the thirtieth day of June one thousand

eight hundred and eighty-one not more than ten thousand pounds out of the surplus profits of any one year shall be appropriated to the said reserve fund except when necessary for the purpose of making up the sum of ten thousand pounds or any part thereof which may not have been appropriated to such fund in any preceding year: Provided always that any balances or surplus sums of money (not being capital moneys) which may have been in the hands of the Company on the said thirtieth day of June one thousand eight hundred and eighty-one may be carried to and form part of the said reserve fund.

Provisions as to purity &c. of gas.

27. With respect to the purity of the gas supplied by the Company the following additional provisions shall have effect that is to say:—

(1) From and after the passing of this Act the gas distributed from the Company's several works at Athol Street Eccles Street Caryl Street and Wavertree respectively shall not contain more than thirty grains of sulphur in every one hundred cubic feet of such gas;

(2) If on or after the thirty-first day of December one thousand eight hundred and eighty-eight the Corporation of Liverpool shall in writing under the hand of their town clerk notify to the Company a request that the quantity of sulphur at the said works shall be reduced to twenty-five grains in every one hundred cubic feet of gas then from and after the expiration of twelve calendar months from the giving of such notice the gas distributed from the several works aforesaid shall not contain more than twenty-five grains of sulphur in every one hundred cubic feet of such gas;

(3) From and after the passing of this Act up to the thirty-first day of December one thousand eight hundred and eighty-four the gas distributed from the Company's existing works at Linacre shall not contain more than thirty grains of sulphur in every one hundred cubic feet of such gas;

(4) From and after the thirty-first day of December one thousand eight hundred and eighty-four the gas distributed from the Company's works now existing or which may hereafter be constructed at Linacre and Garston respectively shall not contain more than twenty-two grains of sulphur in every one hundred cubic feet of such gas during the winter months that is to say from the first day of October to the thirty-first day of March inclusive nor more than eighteen grains during the summer months that is to say from the first day of April to the thirtieth day of September inclusive in every year;

A.D. 1882.

(5) If in any one day the gas be of less purity than that prescribed by this Act the average of all the testings under this Act made on that day and on the three preceding and three following days exclusive of Sunday shall be deemed and taken to represent the purity of the gas on that day;

(6) If by such average of testings the purity of the gas be found defective the corporation shall forthwith give notice in writing of such defect to the Company;

(7) The apparatus and mode of testing shall be the same as those now prescribed by the Metropolitan gas referees;

(8) The Company shall provide and at all times maintain at each of the said works or within one hundred yards from such works respectively a suitable room and apparatus and materials therein for testing the purity of the gas and the said rooms materials and apparatus shall be under the charge control and management of the Corporation of Liverpool. The Company may also have separate testing places in the same buildings under their own control and management;

(9) Any gas examiner appointed under the Gasworks Clauses Act 1871 may from time to time and at any time test the gas supplied from the said works respectively and the provisions of the Gasworks Clauses Act 1871 with reference to the testing of gas penalties and legal proceedings shall mutatis mutandis apply to the testings herein-before provided;

(10) The Company may if they think fit on any occasion of the testing of the purity of the gas be represented by an officer of the Company but such officer shall not in any way interfere with such testing;

(11) Every forfeiture or penalty shall be borne and paid exclusively by and out of the divisible profits of the Company and by way of reduction of dividend; Provided always that the Company shall not be liable to such forfeiture or penalty if it shall be shown that the defect complained of arose from unavoidable cause or accident.

Expenses of Act.

28. The costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act:—

Firstly. A piece of land containing 21,000 square yards or thereabouts situate in the township of Garston in the parish of Childwall bounded on the north-west by other lands of the Company on the north-east and south-east by lands of or reputed to belong to the devisees in trust of the late John Lightbody, Esquire, and on the south-west in part by Banks Road and in other part by the land and premises secondly herein described.

Secondly. A piece of land in the said township and parish on the north-east side of Banks Road adjoining to and surrounded on all sides (except the south-west side) thereof by the piece of land firstly described and containing in the whole 824 square yards or thereabouts.

Thirdly. A piece of land containing 11,100 square yards or thereabouts situate in the township and extra-parochial place of Toxteth Park bounded on the south-west by Grafton Street on the south-east by lands of or reputed to belong to the Mersey Steel and Iron Company Limited or the official liquidator of that company on the north-east in part by Beaufort Street in other part by the end of Yates Street and in further part by lands of or reputed to belong to the Liverpool School Board and on the north-west in part by Yates Street in other part by lands of or reputed to belong to the Liverpool School Board and in further part by a straight line drawn in continuation of the north-western boundary of the said lands of or reputed to belong to the Liverpool School Board to Grafton Street.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.