ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. xcii.

An Act for incorporating the *Ulverston* Gaslight and Coke Company, and for conferring upon them further Powers for the Supply of Gas to the Township of *Ulverston*, and certain neighbouring Townships and Parishes, in the County of *Lancaster*. [23d *June* 1864.]

Deed of Settlement dated 2d Nov. 1833.

WHEREAS by an Indenture by way of Deed of Settlement dated the Second Day of *November* One thousand eight hundred and thirty-three a Company or Copartnership called "The *Ulverston* Gaslight and Coke Company" was established for the Purpose of supplying Gas within the Town of *Ulverston* and adjacent Places in the County of *Lancaster*, and such Company purchased certain Freehold Lands, on Part of which they have erected Gasworks for supplying Gas within those Places, and laid down their Mains and Pipes through the Town of *Ulverston* and through Part of the Township of *Ulverston* beyond the said Town, and Part of the Township of *Osmotherley*, in the said County of *Lancaster:* And whereas the Capital of such Company by such Deed of Settlement was stated at Two thousand two hundred and twenty Pounds, divided into Seventy-four Shares of Thirty Pounds each: And whereas such

The Ulverston Gas Act, 1864.

Seventy-four Shares of Thirty Pounds each have been subscribed and fully paid up, and the Shareholders having, prior to the Year One thousand eight hundred and fifty-nine, increased their Capital to the Sum of Four thousand four hundred and forty Pounds by the Creation of Seventy-four new Shares of Thirty Pounds each, which were allotted *pro ratâ* to the Holders of the original Shares, and of which the Sum of One thousand three hundred and ninety-one Pounds Four Shillings was provided by Calls, and the Sum of Eight hundred and twenty-eight Pounds Sixteen Shillings expended out of Profits which might have been applied as Dividend, in the Year One thousand eight hundred and fifty-nine further increased their Capital to the Sum of Five thousand five hundred and fifty Pounds by the Creation of One hundred and forty-eight new Quarter Shares of the nominal Value of Seven Pounds Ten Shillings each Share, and which were in like Manner allotted to the Holders of original Shares, and on such Quarter Shares the Sum of Seven hundred and forty Pounds was subscribed and paid up, and the Sum of Three hundred and seventy Pounds, being the Amount remaining unsubscribed and not paid up on the said Quarter Shares, was paid out of the Profits of the Company, which might have been applied as Dividend, and was expended on the Works of the Company: And whereas the Company, in order to meet the increased Wants of the said Town of *Ulverston* and adjacent Places, has from Time to Time expended altogether on its Works the Sum of Five thousand eight hundred and sixty-one Pounds Eighteen Shillings, and it is expedient that such Provisions as are herein-after contained should be made in reference thereto: And whereas the Population and House Property of *Ulverston* and *Osmotherley* have of late Years greatly increased and are still increasing, and the Townships, Hamlets, and Parishes of *Mansriggs*, *Egton-cum-Newland*, *Urswick*, and *Pennington*, in the County of *Lancaster*, or some Portions thereof, require to be lighted with Gas, and the Company are willing to light the same, and it would be of public Advantage if Provisions were made for the efficient lighting of the several Places above named with Gas, and the requisite Powers were conferred upon the Company for such Purpose: And whereas it is expedient that the Company be incorporated in manner herein-after mentioned, and that Powers be conferred upon them for improving and maintaining their existing and also for providing and maintaining additional Gasworks, and for acquiring Lands for such Purpose, and for increasing their Capital, and for enabling them effectually to carry on their Undertaking: And whereas it is expedient to provide for the Consolidation of the Shares of the Company into Stock: And whereas 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 Commons, in this present Parliament assembled,

assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Ulverston* Gas Act, 1864."

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

Interpretation of Terms.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," except the Sections of the former of the Two last-mentioned Acts with respect to the Purchase and taking of Lands otherwise than by Agreement, "The Gasworks Clauses Act, 1847," and Parts I. and II. of "The Companies Clauses Act, 1863," shall be incorporated with and form Part of this Act; and in construing such Acts respectively in connexion with this Act, and also in construing this Act, the Expression "the Company" shall mean the Company incorporated by this Act; the Expression "the existing Company" shall mean the Company existing under the said Indenture immediately before the passing of this Act; the Expression "the Special Act" shall mean this Act; the Expression "the Works," or "the Gasworks," or "the Undertaking," shall mean and include the Gasworks and Works connected therewith by this Act vested in or authorized to be made or maintained by the Company by this Act incorporated; and the Expression "the Promoters of the Undertaking" shall mean the Company incorporated by this Act; and the Expression "Quarter Sessions" in this and the incorporated Acts shall mean any Quarter Sessions holden at *Lancaster* in and for the County of *Lancaster*, or any Adjournment thereof; and the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

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

3. Except as in this Act is otherwise expressly provided, the several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Limits.

4. The Limits of this Act with respect to the Supply of Gas shall comprise and include the Parishes, Townships, Hamlets, and Extra-parochial Places of *Ulverston*, *Osmotherley*, *Mansriggs*, *Egton-cum-Newland*, *Urswick*, and *Pennington*, all in the County of *Lancaster*.

Incorporation of Company.

5. From and after the passing of this Act the existing Company shall be dissolved, and their recited Deed of Settlement is by this Act annulled,

annulled, and the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the existing Company, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, 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 doing all Acts necessary for that Purpose, and for other the Purposes by this Act and the said incorporated Acts authorized, by and under the Name of "The *Ulverston* Gas Company," and by that Name shall be a Body Corporate, with perpetual Succession, and may sue and be sued, and have a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Provisions of this Act.

Property of the existing Company vested in the incorporated Company.

6. On the passing of this Act all the Lands, and all the Estates, Rights, Easements, and Interests in and affecting Lands, and all the Gasworks, Retorts, Reservoirs, Mains, Pipes, Meters, Lamps, Lamp Posts, Apparatus, Property, Monies, Effects, Credits, and Choses in Action of or to which the existing Company or any Persons in trust for them were immediately before the passing of this Act seised, possessed, or in any way entitled, and the Benefit of all Contracts and Engagements entered into with and on behalf of the existing Company, and immediately before the passing this Act in force, are by this Act transferred to and vested in the Company, but subject to all Charges and Incumbrances, if any, affecting the same, and all Debts, Liabilities, and Obligations of the existing Company in respect of the same, and may according to the Provisions of this Act be held and enjoyed, sued for and recovered, maintained, altered, discontinued, or removed, by the Company as they think fit.

Saving previous Rights and Liabilities.

7. Notwithstanding the Incorporation and Change of Name of the existing Company in this Act, and the Avoidance of their Deed of Settlement, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the existing Company, or the Shareholders therein in that Capacity, shall be as valid as if the Company had not been incorporated, or its Name had not been changed, and the said Deed of Settlement had not been avoided by this Act; and such Incorporation, Change of Name, and Avoidance, and this Act, respectively, 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 the existing Company were not incorporated by this Act, and its Name had not been changed, and the said Deed of Settlement were not avoided by this Act, and this Act were not passed, would be incident to or consequent on

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 existing Company, and the Shareholders therein in their Capacity of Shareholders: Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

Contracts prior to Act binding.

8. Except as is by this Act otherwise expressly provided, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Debentures, Contracts, Agreements, Securities, Orders, Resolutions, Proceedings, and other Acts and Things before the passing of this Act made, done, entered into, executed, or instituted by, from, with, to, for, or on behalf of the existing Company shall be good, valid, and effectual to all Intents and Purposes whatsoever for, against, or with reference to the Company in like Manner and to the same Extent as, but for the passing of this Act, they would have been good, valid, and effectual for, against, or with reference to the existing Company, and may be enjoyed, proceeded on, and enforced accordingly.

Debts to be paid.

9. All Persons who immediately before the passing of this Act owed any Money to the existing Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing upon the same, to the Company; and all Debts and Monies which immediately before the passing of this Act were due or owing or recoverable from the existing Company, or for the Payment of which the existing Company are 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 or be recoverable from the Company.

Actions not to abate.

10. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the existing Company before the passing of this Act shall abate or be discontinued or prejudicially affected by or in consequence of the passing of this Act, but on the contrary the same respectively shall continue and take effect in favour of or against (as the Case may be) the Company in like Manner in all respects as they would have continued or taken effect in favour of or against the existing Company if this Act had not been passed; and all Offences committed, or Torts suffered, or Remedies accrued, or Penalties incurred, before the passing of this Act, may be prosecuted, enforced, or sued for by or against the Company in like Manner as but for the passing of this Act they might have been prosecuted, enforced, or sued for by or against the existing Company.

Judgments may be enforced.

11. If any Judgment, Decree, or Order be at any Time after the passing of this Act obtained against the Company in respect of any

Debt or Liability owing or incurred, or in respect of any Contract made or Tort committed, by the existing Company before the passing of this Act, and be not fully satisfied out of the Property of the Company, then and in every such Case the Judgment, Decree, or Order may be enforced, and Execution thereon issued against the Property, Effects, and Person who shall have been a Shareholder of the existing Company immediately before the passing of this Act, or at the Time when the Contract was made or the Tort was committed in respect of which the Debt or Liability accrued or was incurred.

Reimbursement of Shareholders.

12. Every Person against whom or against whose Property or Effects any such Judgment, Decree, or Order is enforced shall be entitled to recover against the Company all Loss, Damage, Costs, and Charges which he incurs by reason of the Execution, and he shall be entitled to Contribution for so much thereof as remains unsatisfied from the several other Persons against whom Execution on the Judgment, Decree, or Order might, in accordance with this Act, have been issued, and the Contribution may be recovered in like Manner as Contributions in ordinary Cases of Copartnership.

Trustees to be indemnified.

13. Every Trustee or other Person in whom or in whose Name any Lands, Works, Buildings, Easements, Rights, Property, or Effects belonging to the existing Company were vested immediately before the passing of this Act, and who (being duly authorized to do so) entered into any Contract or Engagement in respect of the same or otherwise on behalf of the existing Company, shall be indemnified and saved harmless out of the Property of the Company from and against all Liability, Loss, Costs, Charges, and Expenses under or by reason of every such Contract or Engagement.

Entries in Books Evidence of Title to Shares.

14. Notwithstanding the Dissolution of the existing Company and the annulling of their Deed of Settlement, all Entries in the Books of the existing Company which may be legal Evidence of the Ownership of any Share of the Capital of the existing Company, and showing who, immediately before the passing of this Act, were the Shareholders of the existing Company, shall be effectual for evidencing for the Purposes of this Act who immediately before the passing of this Act were the Shareholders of the existing Company, and who were at the Time the Contract was entered into or the Tort committed Shareholders of the Company.

Gas Rates, &c. to be recovered.

15. All Gas Rates, Rents, and Sums of Money which immediately before the passing of this Act were due and payable or accruing to the existing Company shall be payable and may be collected and recovered by the Company in the like Manner as Gas Rates and Rents under this Act.

16. Not-

Officers continued.

16. Notwithstanding the Dissolution of the existing Company, and the annulling of the said Deed of Settlement, every Officer and Servant of the existing Company shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he shall resign or be removed from the Office and Employment, and he shall have the like Powers and Authorities for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties, as if he were appointed under this Act.

Conversion of existing Shares into Stock.

Dividend thereon limited.

17. The Capital of Five thousand five hundred and fifty Pounds paid up on the existing Shares of the Company shall be converted into the Sum of Five thousand five hundred and fifty Pounds Consolidated Stock, and after the passing of this Act, and until the Capital of the Company shall be augmented under the Powers of this Act, the Capital of the Company shall be the said Sum of Five thousand five hundred and fifty Pounds, to be hereafter called "the original Stock" of the Company, and the Amount of Profit which the Company may divide in respect of such original Stock shall not exceed the Rate of Ten Pounds *per Centum per Annum* upon the Amount thereof.

Distribution of Stock.

18. Every Person and Shareholder who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares of Thirty Pounds nominal Value in the Capital of the existing Company shall for each such Share be possessed of and entitled to the Sum of Thirty Pounds of the original Stock of the Company without making any further Payment in respect thereof, and every Person or Corporation who was in like Manner possessed of or entitled to One or more Share or Shares of Seven Pounds Ten Shillings nominal Value in the Capital of the existing Company shall for each such Share be possessed of or entitled to the Sum of Seven Pounds Ten Shillings of the original Stock of the Company without making any further Payment in respect thereof.

Company may cancel existing Certificates and issue new ones.

19. The Company shall call in and cancel the existing Certificates of Shares in the existing Company, and issue in lieu thereof Certificates in the Form and under the Conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the Holders of such existing Certificates of Shares 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 Certificates issued to them before the passing of this Act, or shall have proved to the reasonable Satisfaction of the Company the Loss or Destruction thereof.

20. All

Original Stock subject to same Trusts as old Shares.

20. All Persons and Corporations in whom any of the said original Stock shall be vested as aforesaid shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisoes, Declarations, and Agreements, Charges and Incumbrances, as the Share or Shares in the Capital of the existing Company in respect of which such original Stock is substituted was or were subject and liable to immediately before the passing of this Act, and so as to give Effect to and not revoke any Will or other testamentary Instrument disposing of or affecting such Share or Shares.

Power to raise additional Capital.

21. For the Purposes of this Act it shall be lawful for the Company from Time to Time, by Order of any Meeting thereof convened with Notice of the Matter to be discussed, to raise, by the Creation and Issue of new Shares, in addition to the original Stock of Five thousand five hundred and fifty Pounds, any Sum or Sums of Money not exceeding in the whole the further Sum of Ten thousand Pounds, and the Amount of Profit which the Company may divide in respect of such new Shares shall not in any Year exceed the Rate of Seven Pounds *per Centum* upon the Amount for the Time being paid thereon, and any new Shares so created may be of such nominal Amount, and may be issued in such Manner and Proportions, amongst such Persons, and under and subject to such Calls, and to such other Terms and Conditions in all respects, as the Meeting creating such Shares may determine.

One Fifth Part of the Shares to be paid on Issue.

22. It shall not be lawful for the Company to issue any Share, nor shall any 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.

Power to attach Preference to new Shares.

23. And whereas there are no existing Shares in the Capital of the Company entitling the Proprietors to any Preference or Priority of Interest or Dividend: Therefore it shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Proprietors present, personally or by proxy, at a General Meeting specially convened for the Purpose, to attach to the said new Shares, or any of them, such Preference or Priority in the Payment of Interest or Dividends, not exceeding Six Pounds *per Centum per Annum* on the Amount for the Time being paid in respect of such Shares, and such other Privileges, not creating a guaranteed Dividend, as may be agreed upon at such Meeting; and any Shares to which such Priority of Dividend shall be attached shall be called "New Preference Shares."

Preferential Dividends to what

24. The Year out of the Profits of which the new Preference Shares shall be entitled to the preferential Dividend which may have been

been appointed by the Company as aforesaid shall end on the First Day of *July* in each Year, being the Day up to which the annual Account of the Company is made up. Time to be computed.

25. The Terms and Conditions upon and subject to which any preferential Shares of the Company are issued shall be clearly stated on the Certificates thereof. Conditions affecting preferential Shares to be stated on Certificates.

26. Subject to the Provisions of this Act, the several Proprietors of original Stock and new Shares in the Capital of the Company, and of any Stock into which such new Shares may be consolidated, save and except the Preference Shares (if any), shall be entitled to such Dividends as shall be from Time to Time made by the Directors out of the Profits of the Undertaking in proportion to the whole Amount for the Time being paid, or by this Act deemed to be paid, on such Stock or Shares at the Time such Dividends respectively shall be declared: Provided always, that at the Half-yearly Meeting in the Month of *February* in each Year the Company may, out of the estimated Profits of that Year, declare a half-yearly Dividend not exceeding One Half of the Profits then estimated to be applicable to the Payment of Dividends in that Year. Dividends on Stock and Shares.

27. The Capital to be raised by the Creation of new Shares under this Act shall be considered as Part of the general Capital of the Company, except that the new Shares shall be numbered in arithmetical Progression, beginning with Number One, the Preference Shares (if any) being considered and numbered as a separate Class. New Shares Part of general Capital.

28. If any Money be payable to a Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same. Receipts of Guardians, &c. sufficient.

29. The Company may borrow on Mortgage such Sums of Money as may from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, as follows; (that is to say,) One thousand Pounds at any Time they may think proper, and the further Sum of Two thousand Pounds when the additional Capital of Ten thousand Pounds by this Act authorized to be raised shall have been subscribed for, and One Half thereof shall have been paid up, and when the Company shall have proved to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by Subscribers or their Assigns, and for which such Power to borrow on Mortgage.

Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Application of Money.

30. All Money to be raised under the Provisions of this Act, whether by means of Shares or by the Exercise of the Powers of borrowing, shall be applied to the Purposes by this Act authorized, and to no other Purpose.

Arrears may be enforced by Appointment of a Receiver.

31. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and One Tenth of their Mortgage Debt shall be the Amount necessary to authorize a Requisition for a Receiver.

First and other Meetings.

32. The First Meeting of the Company shall be held within Nine Months after the passing of this Act, and the Ordinary Meetings of the Company shall be held half-yearly, in the Months of *February* and *August* in every Year, or in such other Months as the Company by the Resolution of an Extraordinary General Meeting from Time to Time determine.

Quorum of General Meetings.

33. The Quorum to constitute a General Meeting of the Shareholders of the Company shall be Six Shareholders holding in the aggregate not less than Six hundred Pounds nominal Value in the Capital of the Company.

Extraordinary Meetings.

34. The Number of Shareholders who may convene Extraordinary Meetings of the Company shall not be less than Five holding Shares in the Capital of the Company of the aggregate nominal Value of Three hundred Pounds at the least.

Votes and Qualifications in respect of Shares.

35. The Shares issued under this Act shall confer on the Holders thereof Rights of voting and Qualifications in proportion to the whole Amount for the Time being paid up thereon respectively.

Votings at General Meetings.

36. For the Purpose of voting at General Meetings the Amount of Capital of the Company represented by all the Stock and Shares held by any Person shall be considered as divided into so many Ten Pound Shares as that Amount will admit, and the Right of voting of every Shareholder in respect of his Shares shall be determined by the Number of Ten Pound Shares into which the Amount of Capital represented by the Stock and Shares held by him is from Time to Time capable of being divided, any Fraction of Ten Pounds being disregarded.

37. At

Proof of Majority of Votes at General Meetings.

37. At any Meeting of the Company a Majority of Votes shall only be required to be proved in the event of a Poll being demanded at the Meeting, and if a Poll be not demanded a Declaration by the Chairman that the Resolution is carried, and an Entry to that Effect in the Minutes of the Proceedings of the Company, shall be Evidence of the Facts without Proof of the Number or Proportion of Votes recorded for or against the Resolution.

Number and Qualification of Directors.

38. The Number of Directors shall be Seven, and the Qualification of a Director shall be his being the Holder of Shares or Stock to the aggregate nominal Amount of at least One hundred Pounds: Provided, that the Company from Time to Time by the Resolution of a General Meeting may reduce the Number of the Directors to not fewer than Five.

Directors may contract with Company.

39. Notwithstanding anything in this Act contained, any Director may contract with the Company with respect to the Supply of Gas, or with respect to the Sale of any Coke, Tar, Residuum, or Products: Provided, that no Director shall be entitled to vote on any Contract in which he is personally interested.

First Directors.

40. The Persons who immediately before the passing of this Act were the Members of the Managing Committee of the existing Company shall be the First Directors, and shall retire from Office in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845."

Supply of Vacancies.

41. If any Director die or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office as prescribed by the last preceding Section, his Place may be supplied by the surviving or continuing Directors, and the Director so appointed shall continue in Office for the same Term as the Person in whose Place he has been appointed.

Quorum of a Meeting of Directors.

42. The Quorum of a Meeting of Directors shall be Three, including the Chairman for the Time being.

Auditors need not hold Shares.

43. The Auditors need not hold Shares or Stock in the Company.

Representation of Company in Cases of Bankruptcy, &c.

44. In all Proceedings against the Estate of any Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency, any Person appointed for that Purpose by the Company under their Common Seal may represent the Company, and act in their Behalf in all respects as if the Claim or Demand of the Company against such Estate were the Claim or Demand of such Person and not of the Company.

45. The

Power to extend Works and all Gas, Tar, Meters, &c.

45. The Company may from Time to Time maintain, alter, improve, enlarge, extend, and renew or discontinue their now existing Gasworks situate at *Ulverston* aforesaid, and (subject to the Restrictions herein contained as to the Lands to be used for the Manufacture of Gas) may make, erect, lay down, provide, and maintain additional and other Gasworks, Retorts, Gasometers, Receivers, Drains, Sewers, Mains, Pipes, Meters, Lamps, Lamp Posts, Burners, Stopcocks, Machinery, and other Works and Apparatus and Conveniences, and may do all such Acts as they think proper for manufacturing Gas and for storing Gas and for supplying Gas within the Limits of this Act, and may manufacture, store, and supply Gas accordingly, and may manufacture, sell, provide, supply, and deal in Coke, Coal, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and all other Products and Residuum of any Materials employed in or resulting from the Manufacture of Gas, and also Meters, Fittings, Tubes, Pipes, and other Articles and Things in any way connected with Gasworks or with the Supply of Gas, as they from Time to Time may think fit, and may also erect and maintain, and from Time to Time improve and extend, either in substitution for the same Gasworks and Gasometers, or in addition thereto, new Gasworks and other requisite Apparatus for carrying on the said Manufacture on Lands belonging to or held in trust for the existing Company situate in the said Township of *Ulverston*, and bounded on the North in part by a Messuage and Yard the Property of the Representatives of the late *William Briscoe*, and in part by the public Highway or Road commonly called or known by the Name of "the *New Road*" leading from *Ulverston* aforesaid to *Sandside* in the said Township of *Ulverston*, on the East and South by Land the Property of *John Brogden* Esquire, and on the West by the Division Wall forming the Boundary between the Lands of the existing Company and the Back of the Premises facing into and forming the East Side of the Street or Road commonly called "The *Elfaw*" or "*Hill Fall*" in the Township of *Ulverston* aforesaid, and of the Premises facing into and forming the South Side of the said *New Road* from the Junction thereof with the *Elfaw* or *Hill Fall* aforesaid to the Works of the existing Company; and it shall be lawful for the Company, if they cease to use the existing Gasworks or Gasometers, to sell the same, and the Pieces of Land whereon the same are erected, and also all other surplus Lands and Houses now vested or hereafter to become vested in the Company; and the Company shall not erect Gasworks upon any Land other than on the several Pieces of Land described in this Section.

Power to lay Pipes against Buildings.

46. The Company, with the Consent of the Owner and Occupier of any Building, may lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or amongst such Building for the Purpose of lighting it, or any Street, Road, Dock,

Dock, Market Place, or public Building or Place, and may, with the like Consent, provide and set up any Apparatus necessary for securing to such Building, Street, Road, Dock, Market Place, or public Building or Place a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply, and may with the like Consent from Time to Time repair, replace, or alter any such Pipe, Branch, or Apparatus.

Compelling Company to supply Consumers.

47. The Company shall, at the Request of any Owner or Occupier of any House, Part of a House, Factory, or Premises, or of any public Body or private Company having Premises within Thirty Feet of which any Main Pipe of the Company shall be laid, furnish to such Owner or Occupier, public Body or private Company, a Supply of Gas for such House, Factory, or Premises at a Rate not exceeding the Rate by this Act limited; and if the Company fail to supply such Gas to any such Owner or Occupier, public Body or private Company, then and in every such Case, on Proof before any Two Justices of such Failure, and that the Company had no sufficient Excuse for such Failure to the Satisfaction of the Justices, the Company shall forfeit to the Party aggrieved any Sum not exceeding Forty Shillings, as the Justices think fit: Provided always, that the Company shall not be bound to supply any Gas under the foregoing Provision unless reasonable Security for Payment for the Gas to be supplied be given, if required, at the Cost of the Person or Persons requiring such Supply of Gas: Provided also, that the Expense of laying all necessary Service Pipes of a greater Length than Thirty Feet from the Company's Main shall be borne by the Person requiring the same to be laid, and the estimated Cost thereof, if required by the Company, shall be paid in advance by such Person, and in case of Dispute between the Company and such Person as to such Costs the same shall be settled by a Justice.

Price of Gas.

48. The highest Charge of the Company for Gas supplied by them shall be at the Rate of Six Shillings for One thousand Cubic Feet for all Places within One Mile of the Market Cross in *Ulverston* aforesaid, and the Rate of Six Shillings and Eightpence for One thousand Cubic Feet for all other Places within the Limits of this Act.

Quality of Gas.

49. All the Gas supplied by the Company shall 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 an Hour, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles of Six to the Pound, burning One hundred and twenty Grains an Hour.

Testing of Gas.

50. The Company shall provide in some Part of their Works or of their principal Office, so placed as to afford a Test for all the Gas supplied

supplied by the Company, a proper and sufficient testing Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or a Batswing Burner, capable of consuming Five Cubic Feet of Gas an Hour, with other Apparatus proper and sufficient for testing the illuminating Power of the Gas.

Application to test Gas.

51. It shall be lawful for any Two Justices of the Peace acting for the County of *Lancaster*, on receiving a Requisition under the Seal of any Vestry or District Board of Works, or Public Lighting Committee having Jurisdiction over the Streets or Roads lighted by the Company, or signed by Five Consumers of the Company's Gas, complaining that the Gas supplied to them is not to their Judgment and Belief of the full illuminating Power prescribed by this Act, to appoint, by Writing under their Hands, some competent Person to test at the Works of the Company the illuminating Power of the Gas, and the Person so appointed, on giving Four Hours previous Notice in Writing to the Company, may at any reasonable Hour in the Daytime, on producing the Order, enter on the Premises of the Company, and in the Presence of the Superintendent, Engineer, or other Officer of the Company, and by means of the testing Meter and other Apparatus by this Act required to be provided by the Company, test the illuminating Power of the Gas from all or any of the Gasholders of the Company, and the Company and their Officers and Servants shall afford all proper and sufficient Facilities for the testing.

Penalty if inferior Gas supplied.

52. If and whenever it is proved, to the Satisfaction of any Two Justices not being Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested, equal the illuminating Power by this Act prescribed, or that the Company or their Officers failed, on being thereunto reasonably requested, to afford the prescribed Facilities, or prevented or hindered the testing of the Gas, then and in any such Case the Company shall forfeit any Sum not exceeding Twenty Pounds, as the Justices determine.

Cost of testing.

53. In the event of any such Penalty being imposed on the Company, then the Costs of all Parties of and attending the testing of the Gas, including the Remuneration to be paid to the Person so testing the Gas, and the Costs of the Proceedings before the Justices, shall be ascertained by the Justices, and shall be paid with the 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 Body or Persons making such Requisition as aforesaid, and in either event the Costs so ascertained shall be paid or levied accordingly.

Use of Meters.

54. Every Consumer of Gas supplied by the Company shall, on Notice in Writing from the Company, consume the Gas by Meter, to be

be provided by the Company at his Expense, and to be duly stamped by an Inspector appointed under the Act passed in the Twenty-second and Twenty-third Years of the Reign of Her Majesty, Chapter Sixty-six, intituled *An Act for regulating Measures used in Sales of Gas;* and the Price to be charged for the Meter so provided shall not exceed the Cost Price thereof to the Company. 22 & 23 Vict. c. 66.

Register of Gas Meter to be primâ facie Evidence.

55. The Register of the Meter shall be *primâ facie* Evidence of the Quantity of Gas consumed by any Consumer of the Company, and in respect of which any Rent is charged and sought to be recovered by the Company.

Meter Rents.

56. The Prices to be charged to the Consumer for the Use of any Meter provided by the Company by way of Rent shall not exceed the Rate of Fifteen *per Centum per Annum* on the Cost Price to the Company of the Meter.

Power for Company to remove Meters and Fittings.

57. The Company, after Twenty-four Hours Notice to the Occupier of any House or Building, or if it be unoccupied then to the Owner thereof, may enter the House or Building between the Hours of Nine in the Morning and Four in the Afternoon for the Purpose of removing any Gas Meters, Gas Pipes, or other Gas Fittings belonging to the Company, and theretofore used in connexion with the Supply of Gas by them, but which Supply is from any Cause discontinued, and remove the Meters, Pipes, and Fittings accordingly: Provided that if the Owner of any such unoccupied House or Building be unknown to the Company, the Notice may be given by affixing it for Three Days to some conspicuous Part of the House or Building.

Penalty for damaging, &c. Meters.

58. If any Person shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any such Meter or Gas Apparatus as last aforesaid, or any Fittings thereof, or other Thing connected therewith belonging to the Company, or fraudulently alter the Index to any such Meter, or any Part of such Meter, or any Pipe connected therewith, or in any way fraudulently, wilfully, or knowingly prevent such Meter from duly registering the Quantity of Gas supplied, or by any means fraudulently abstract any of the Company's Gas, every Person so offending shall for every such Offence forfeit to the Company any Sum not exceeding Five Pounds, and the Company may, in addition thereto, recover the Amount of any Damage sustained by them which shall not be satisfied by the Amount of the Penalty recovered, and may also discontinue, until the Act complained of is remedied, but no longer, the Supply of Gas to the Person or Company so offending, and that notwithstanding any Contract previously existing; and the Existence of artificial or irregular Means for causing such Alteration or Abstraction when such Meter shall be under the Custody or Control of the Consumer shall be *primâ facie* Evidence

Evidence that the same has been knowingly, wilfully, and fraudulently caused by the Consumer using such Meter: Provided always, that this Enactment shall not prejudice the Right of the Company to institute any criminal Proceedings in reference to such Offence in any Case where they shall not proceed summarily under this Act.

Gas Rates and Meter Rents due may be levied by Distress.

59. All Sums of Money due to the Company for the Supply of Gas or of Coke, or for the Supply or Hire or fixing of Meters, Pipes, or other Fittings, may be levied by Distress, and any Justice on Application may issue his Warrant accordingly, after the Return of a previous Summons to the Debtor to show Cause why such Warrant should not be issued.

Costs of Distress.

60. Any Justice who issues any Summons or any Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Company of and incident to the Recovery of the Money due to the Company shall be paid by the Person liable to pay the Money, and the Costs shall be ascertained by the Justices, and shall be included in the Warrant of Distress for the Recovery of the Money.

Several Names in One Summons.

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

Recovery of Sums by Action.

62. Where any Person fails to pay any Gas Rate, Meter Rent, or other Sum due to the Company, the Company may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies in that Behalf.

Liability to Gas Rates not to disqualify Judges.

63. No Justice or Judge of a County Court shall, except as is by this Act otherwise provided, be disqualified for acting in the Execution of this Act by reason of his being liable under this Act to any Gas Rate, Meter Rent, or other Sum, or of his being a Shareholder of the Company.

Penalties on the Company not cumulative.

64. Penalties imposed on the Company for one and the same Offence by several Acts of Parliament shall not be cumulative, and for this Purpose each of this Act and the Acts incorporated therewith shall be deemed a separate Act.

Expenses of Act.

65. All the Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Company.

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