

[49 VICT.]

Liverpool United Gaslight Company's [Ch. xlviii.]
Act, 1886.



CHAPTER xlviii.

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. 1886.

[4th June 1886.]

WHEREAS by the Liverpool United Gas 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;

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

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And whereas by the Liverpool United Gaslight Company's Act 1880 (herein-after 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 by the Liverpool United Gaslight Company's Act 1882 (herein-after called "the Act of 1882") the Company were empowered to raise by the creation of new shares or stock any further sums of money not exceeding in the whole two hundred and eighty thousand pounds and were also empowered to borrow on mortgage any further sums not exceeding one hundred and twenty thousand pounds;

And whereas the Company have raised and expended nearly the whole of the capital authorised to be raised by the Acts of 1848 1865 and 1882 and have borrowed on mortgage and debenture stock two hundred and seven thousand six hundred and eight pounds six shillings and eightpence;

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 it is also expedient that certain of the provisions of the said recited Acts should be amended and that other provisions should be enacted;

And whereas a plan of the lands which may be taken compulsorily under the powers of this Act and a book of reference to such plan 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 plan 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

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Commons in this present Parliament assembled and by the authority A.D. 1886.
of the same as follows (that is to say) :—

1. This Act may be cited as the *Liverpool United Gaslight Company's Act 1886.* Short title.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :— Incorporation of general Acts.

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 non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

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 as the same are amended by the Lands Clauses (Umpire) Act 1883 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 or of the said recited Acts incorporated with and form part of this Act.

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. Incorporation of the Gasworks Clauses Act 1871.

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Interpreta-
tion 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 and
closing of
footpaths.

5. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use the land shown on the deposited plan and described in the deposited book of reference and upon the purchase or acquisition by the Company of the said land they may stop up and close a certain footpath being or reputed to be a public footpath in the township of Garston in the parish of Childwall in the county of Lancaster leading from Banks Road to Speke Road over the said land and thereupon all public and other rights of way and other rights (if any) in and over the said land shall be by this Act extinguished :

Provided that the Company shall not stop up or close the said footpath unless and until they shall have made a new footpath four feet wide commencing in Banks Road within and along the southern boundary of the piece of land described in the schedule to this Act thence in a straight line across certain lands belonging or reputed to belong to the trustees under the will of John Lightbody deceased to and terminating in Speke Road or if the Company shall be unable to acquire by agreement the necessary land or right of way across the last mentioned lands on reasonable terms then the new footpath shall be continued from the south-east corner of the said scheduled land within and along the eastern boundary of the same land to and terminating at the point where that boundary crosses the said public footpath but if the new footpath is made to terminate at the last mentioned point the Company shall not stop up or close so much of the existing footpath as lies eastward of the termination of the new footpath.

The new footpath shall be made formed and repaired by the Company to the reasonable satisfaction of the local board for the district of Garston and from the date of the stopping up of the existing footpath shall be dedicated to and may be used by the public in general.

If the Company erect along the southern boundary of their land a wall separating their land from the new footpath they shall at the request of the said local board provide and affix five gas lamps for lighting the new footpath in such positions as the said local board shall prescribe and shall supply such lamps free of cost to the said local board but the said lamps shall be cleaned repaired lighted and extinguished by and at the expense of the said local board.

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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.

Period for compulsory purchase of lands.

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.

Power to construct gasworks &c.

8. The Company shall not without the consent in writing of the London and North-western Railway Company under their common seal erect on the land described in the schedule to this Act any gasometer or gasholder within a distance of ten yards measured in a southerly direction from the southern boundary of the existing railway of the Company.

For protection of the London and North-western Railway Company.

9. In addition to any other lands which the Company are under the recited Acts or this Act authorised to take or acquire the Company may by agreement purchase and acquire and may hold for the purposes of this Act and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole twenty acres in extent or any term interest or easement (not being an easement of water) in over or affecting any such lands but no buildings other than buildings to be used in connexion with the gas undertaking shall be erected on such lands and nothing in this Act shall authorise the Company to manufacture or store gas or any residual products arising in the manufacture of gas except upon the lands described in the schedule to this Act.

Purchase of land by agreement.

10. 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 as may be retained of any buildings other than buildings to be used in connexion with their gas undertaking.

Power to hold and dispose of lands.

11. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in

Restriction on displacing persons of

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the labouring
class.

any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to
Company to
raise addi-
tional
capital.

12. The Company may subject to the provisions of this Act from time to time raise in addition to any moneys which they have raised and are authorised to raise under or by virtue of the recited Acts any further capital not exceeding in the whole four hundred 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 any greater nominal amount of share capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of four hundred thousand pounds. Provided further that it shall not be lawful for the Company to create and issue under the powers of this Act in any one year any greater nominal amount of new capital than shall be sufficient to produce in manner aforesaid the sum of one hundred and fifty 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.

New shares
or stock to
be subject
to the same

13. 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.

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incidents as
other shares
or stock.

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

Limit of
profit on
new capital.

15. 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 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.

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

16. 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.

Purchase
money to be
paid within
three months.

17. 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.

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

18. 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

Shares or
stock not
sold by
auction or

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by tender to
be offered
to share or
stock holders.

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
reserved
price.

19. If any notice of a reserved 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.

20. 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.

21. In addition to the sum of two hundred and eighty 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 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 five thousand pounds in respect of every twenty thousand pounds of the additional capital stock or shares authorised by this Act but no part of any such sum of five thousand pounds shall be borrowed until shares or stock for the twenty 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.

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22. 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.

Priority of
existing
mortgages.

23. 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.

As to
appointment
of receiver.

24. 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.

Debenture
stock.

25. The Company shall not raise more than the sum of two hundred thousand pounds by the creation or issue of shares or stock in manner aforesaid unless and until they have raised by mortgage of the undertaking or by the issue of debenture stock the sum of fifty thousand pounds nor more than the sum of three hundred thousand pounds until they have raised by mortgage or debenture stock the sum of seventy-five thousand pounds.

Company
compelled
to borrow
before
further
issue of
shares or
stock.

26. 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

Borrowed
money
not to be
converted
into capital.

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Application
of moneys.

27. All moneys raised under this Act 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 being in all cases purposes to which capital is properly applicable.

Reserve
fund.

28. From and after the passing of this Act section 26 of the Act of 1882 shall be read and have effect as if the sum of one hundred and twenty-five thousand pounds instead of the sum of seventy-five thousand pounds had been named therein as the amount of the reserve fund therein mentioned.

Application
of excess of
profits over
standard
rate of divi-
dend.

29. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rate of dividend on the ordinary share capital or stock of the Company the excess or such portion of it as is not carried to the reserve fund shall be carried to the credit of the profits of the undertaking for the next following year and be deemed to be profits of the undertakers for that year within the meaning of section 35 of the Gasworks Clauses Act 1847 and be dealt with accordingly Provided that nothing herein contained shall limit or affect the application of such section to such profits.

Expenses
of Act.

30. 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.

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The SCHEDULE referred to in the foregoing Act.

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A piece of land containing eighteen acres or thereabouts situate in the township of Garston in the parish of Childwall in the county of Lancaster bounded on the south-westerly side by Banks Road on the north-easterly side in part by the railway leading from Garston to St. Helen's and in other part by lands belonging or reputed to belong to the devisees in trust of the late John Lightbody Esquire deceased on the north-westerly side by other lands of the Company and on the south-easterly side by other lands belonging or reputed to belong to the said devisees in trust.

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