ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cci.

An Act for better supplying with Gas the Town of *Ashton-under-Lyne* in the County Palatine of *Lancaster*, and the Neighbourhood thereof.

[9th *July* 1847.]

WHEREAS an Act was passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for* 6 G. 4. c. 67. *lighting with Gas the Town of* Ashton-under-Lyne, *and the Neighbourhood thereof, in the County Palatine of* Lancaster, *and the Township of* Dukinfield *in the County Palatine of* Chester; *and for supplying with Water the said Town of* Ashton-under-Lyne *and the Neighbourhood thereof,* by which a Company was incorporated by the Name of "The *Ashton-under-Lyne* Gas and Waterworks Company," with Power to raise the Sum of Thirty thousand Pounds for the Purposes of the said Act: And whereas the said Company proceeded to carry the Powers of the said Act into execution, so far as related to the lighting with Gas the District comprised in the said Act, and established Gasworks and lighted various Streets, Places, and Buildings within the said Town of *Ashton-under-Lyne* and Neighbourhood thereof, and the said Township of *Dukinfield;* but the Powers of the said recited Act, so far as related to the Supply of Water, have never been exercised: And whereas since the passing of the said Act the Town and Neighbourhood of *Ashton-under-Lyne* and

the Township of *Dukinfield* have from Time to Time greatly increased, and the Demand for Gas has also greatly increased, and in order to meet such Demand the Company greatly extended their Works for the Supply of Gas in the said Town and Neighbourhood and Township: And whereas the Company have expended upwards of Thirty-six thousand Pounds upon their Works and Extensions, and it is desirable that the said Sum of Thirty-six thousand Pounds should form Part of the Capital Stock of the said Company: And whereas the Population and Number of Buildings in the said Town and Parish of *Ashton-under-Lyne* and the said Township of *Dukinfield* are still greatly increasing, and many new Streets have been laid out therein, and others are still in progress; and it is expedient, in order to meet the still increasing Demand for Gas, and for more effectually carrying out the Purposes contemplated by the said Act, that Powers should be granted for raising an additional Sum of Money: And whereas the several Purposes aforesaid might be more conveniently and effectually carried into execution if the said recited Act were repealed, and if other Powers and Provisions were granted in lieu thereof: 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,

Recited Act incorporating Gas Company repealed.

That the said *Ashton-under-Lyne* Gas and Waterworks Company incorporated by the recited Act shall be and the same is hereby dissolved, and all the Powers, Provisions, Penalties, Matters, and Things contained in the said recited Act, except as herein-after mentioned, shall be and the same are accordingly hereby repealed.

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 15. incorporated with this Act.

II. And be it enacted, That the several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall (save as herein-after excepted, and save as to such of the Provisions thereof as are or may be inconsistent with the Provisions of this Act) be incorporated with and form Part of this Act, and be applicable to the Undertaking hereby authorized.

As to the Powers of compulsory Purchase of Lands.

III. Provided always, and be it enacted, That nothing in the said Lands Clauses Act or in this Act contained shall authorize the Company hereby incorporated to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

Quarter Sessions.

IV. And be it enacted, That the Expression "Quarter Sessions" in the said incorporated Acts shall be construed to mean the Quarter Sessions for the County of *Lancaster* holden at *Salford*.

Title of Act.

V. And be it enacted, That in citing this Act in other Acts of Parliament, or in any legal Instruments, it shall be sufficient to use the Expression "The *Ashton* Gas Act, 1847."

Re-establishment of the Ashton Gas Company.

VI. And be it enacted, That from and immediately after the passing of this Act the several Persons and Bodies Corporate who

were immediately before the passing of this Act Proprietors of Shares in the Joint Stock or Fund of the *Ashton-under-Lyne* Gas and Waterworks Company, incorporated by the recited Act, shall be and they are hereby reunited into, and they and their Successors, Executors, Administrators, and Assigns, Proprietors for the Time being of Shares in the Capital or Joint Stock of the Company hereby established, shall for ever remain and be a Company for lighting with Gas the Town and Parish of *Ashton-under-Lyne* in the County Palatine of *Lancaster*, and the Township of *Dukinfield* in the County Palatine of *Chester*, excepting thereout so much and such Parts of the said Parish and Township respectively as are herein-after excluded from the Limits of this Act, and for that Purpose shall be One Body Corporate by the Name of the *Ashton* Gas Company, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name may sue and be sued, and shall have full Power and Authority to purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of this Act, without incurring any of the Penalties of the Statutes of Mortmain, and shall have full Power to sell and dispose of any Lands, Tenements, and Hereditaments hereby vested in them, or to be hereafter purchased or acquired by them, in the Manner directed by this Act.

Real and Personal Estate and Liabilities of the former Company vested in and binding on the Company hereby established.

VII. And be it enacted, That from and immediately after the passing of this Act all the Lands, Tenements, and Hereditaments, Monies, and all Rights, Claims, Easements, and Privileges, and all Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the said hereby dissolved Company shall be and the same are hereby vested in the said Company hereby established; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the said hereby dissolved Company shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the said Company hereby established; and all Debts which immediately before the passing of this Act were due and owing by the said hereby dissolved Company shall be paid, with all Interest (if any) due and to accrue due thereon, by the said Company hereby established; and all Rates or Rents which immediately before the passing of this Act were due and payable or then accruing due under or by virtue of the recited Act to the said hereby dissolved Company shall be and become due and payable to the said Company hereby established, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates and Rents by this Act made payable to the said Company hereby established; and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, Liabilities, and Securities made or entered into before the passing of this Act to, with, in favour of, or by or for the said hereby dissolved Company, shall be and remain as good, valid, and effectual in favour of or against and with reference to the said Company hereby established, and may be proceeded on, enforced, and satisfied, in the same Manner to all Intents and Purposes as if the said Company hereby established had been a Party to, executed, and incurred the same, or had been named

named or referred to therein instead of the said Company incorporated by the recited Act: Provided nevertheless, that all Monies which shall have been received by or shall be owing to the said Company hereby dissolved for or in respect of Gas manufactured and sold by them previously to the passing of this Act, and which but for the passing of this Act would have been divisible amongst the Proprietors of Shares in the Company hereby dissolved, shall and may be divided amongst the Shareholders in the Company hereby established, in addition to any Dividend which may be payable under the Provisions of this Act, upon or in respect of the future Profits of the Company hereby established.

Rates or Rents now payable to continue till altered.

VIII. And be it enacted, That all Rates, Rents, or Charges made or imposed under or by virtue of the recited Act so repealed as aforesaid, and which at the Time of the passing of this Act shall be due and payable, or accruing due and payable, or if this Act had not passed would have been due and payable, or would have accrued due and payable, shall continue to be payable until the same shall be altered or reduced under the Authority of this Act, and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges to be received in pursuance of this Act may be collected or received.

Transfers of Shares, &c. to remain in force.

IX. And be it enacted, That all Sales, Transfers, and Dispositions before the passing of this Act executed of any Share or Shares in the Joint Stock of the said Company incorporated by the recited Act shall remain in full Force and Virtue, and shall be and continue available in all respects whatsoever, in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

Actions, &c. not to abate, and Penalties to be recoverable.

X. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the said hereby dissolved Company previously to the passing of this Act shall abate, cease, be discontinued, or prejudicially affected by this Act, but on the contrary that the same shall continue and take effect either in favour of or against the said Company hereby established, in the same Manner in all respects as the same would have continued and taken effect in relation to the said hereby dissolved Company if this Act had not been passed; and also that all Penalties incurred by any Offence against the Provisions of the recited Act previously to the passing of this Act may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the recited Act may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, the said Company hereby established being in reference to the Matters aforesaid in all respects substituted in the Place of the said hereby dissolved Company.

Books and Documents to continue Evidence.

XI. And be it enacted, That all Books and other Documents whatsoever by the recited Act authorized or directed to be kept, and thereby

thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

Officers to continue till removed.

XII. And be it enacted, That all Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of the recited Act, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy their respective Offices and Employments, together with the Salaries or Emoluments thereunto annexed, until they or he shall be removed therefrom by the said Company or the Directors; and all such Clerks, Officers, and Persons shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all respects whatsoever as if they had been appointed by virtue of this Act.

Capital of Company.

XIII. And be it enacted, That Thirty-six thousand Pounds shall be deemed to be the Capital of the Company at the Time of the passing of this Act.

As to Shares created under former Act.

XIV. And whereas the Sum of Twenty-five Pounds has been paid in respect of each of the Shares created under the said recited Act, and Profits amounting to Five Pounds and upwards in respect of each such Share have been expended (in addition to any Sum of Money which has been divided amongst the Proprietors of such Shares) in the Extension of the Works of the Company; be it therefore enacted, That every Person possessed of a Share of Twenty-five Pounds created under the recited Act shall be entitled in lieu thereof to One Share of the Amount of Thirty Pounds each created by this Act, without making any further Payment in respect of the same.

Power to issue additional Shares to be sold by Auction.

XV. And be it enacted, That, in addition to the said Sum of Thirty-six thousand Pounds, it shall be lawful for the Company when and as they shall think fit, by an Order of any General or Special Meeting, to issue so many new Shares of Thirty Pounds each in the said Company as shall, including the Premium thereon, raise the Sum of Twenty-four thousand Pounds, such Shares to be sold by public Auction, (such Sale to be duly advertised in Two Newspapers published in the Town of *Manchester* for Three successive Weeks previous to such Sale,) in Lots of not more than Four Shares each, subject to such Conditions as to the Payment of the Purchase Money and Calls in respect thereof, and at such Times, as the Company shall think fit; and that any Sum of Money which shall arise upon such Sales by way of Premium shall not be considered as Part of the Capital of the Company upon which Dividends shall be paid.

Old Certificates to be cancelled and new ones granted.

XVI. And be it enacted, That as soon as may be after the passing of this Act the Certificates of the existing Shares in the Company shall be brought to the Clerk of the Company to be cancelled, and such Clerk shall and he is hereby required to deliver in lieu thereof a Certificate for the new Shares created by virtue of this Act, in satisfaction for such existing Shares.

Number and Qualification of Directors.

XVII. And be it enacted, That (subject to the Provisions herein contained for increasing or reducing the Number of Directors) the Number of the Directors of the Company shall be Eleven, and the Qualification of a Director shall be the Possession by him in his own Right of Four Shares in the said Undertaking.

Power to vary Number of Directors.

XVIII. And be it enacted, That it shall be lawful for the Company, by Vote of any General Meeting, from Time to Time to increase or reduce the Number of Directors, provided that the increased Number do not exceed Fifteen, and that the reduced Number be not less than Seven.

First Directors.

XIX. And be it enacted, That *George Bernard*, *John Booth*, *Frederick Wilde Bromley*, *Charles James Buckley*, *John Campbell* M.D., *John Cheetham*, *Thomas Cunningham*, *Joseph Higgin*, *James Lees*, *Alfred Reyner*, and *Frederick Reyner* shall be the first Directors of the Company.

Quorum of Directors.

XX. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XXI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Two nor more than Five, and the Quorum of such Committees shall be Two.

Annual Meeting.

XXII. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Month of *July* in every Year; and all Meetings, whether ordinary or extraordinary, shall be held in the Office of the Company in *Ashton-under-Lyne*.

Votes of Shareholders.

XXIII. And be it enacted, That the Scale according to which the Shareholders may vote in respect of their Shares at any Meeting of the Company shall be as follows; (that is to say,)

For every Share up to Five, One Vote:

For every Five Shares beyond the first Five, Two Votes;

But no Shareholder shall be entitled to more than Thirteen Votes.

The Amount of reserved Fund.

XXIV. And be it enacted, That the Amount of the reserved or contingent Fund shall be Four thousand Pounds.

Limits of the Act.

XXV. And be it enacted, That the Limits of this Act shall be held to comprise the Town and Parish of *Ashton-under-Lyne* in the County Palatine of *Lancaster*, and the Township of *Dukinfield* in the Parish of *Stockport* in the County Palatine of *Chester*, except the several Hamlets or Townships of *Ridghill* and *Lanes-Heyrod*, and *Luzley*, within the said Parish of *Ashton-under-Lyne*, and also except so much and such other Parts of the said Parish of *Ashton-under-Lyne*, and so much and such Part of the said Township of *Dukinfield*, as are respectively comprised within the Limits of the Town of *Stalybridge*,

as defined by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for lighting, watching, and otherwise improving the Town of* Stalybridge *in the Counties Palatine of* Lancaster *and* Chester, *and for regulating the Police thereof; and for establishing and regulating a Market, and erecting a Market Place within the said Town.* 9 G. 4. c. 26.

Power to purchase Lands limited.

XXVI. And be it enacted, That it shall not be lawful for the said Company to purchase and hold for the Purposes of this Act more than Ten Acres of Land.

Company empowered to construct Gasworks, &c.

XXVII. And be it enacted, That it shall be lawful for the Company, subject to the Restrictions herein contained, from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Retorts, Gasometers, Receivers, Drains, Sewers, Machinery, and other Works and Apparatus, and also such Houses and Buildings and Approaches thereto, upon the Lands hereby authorized to be held or purchased by the Company, and to do all such other Acts as they shall think proper, consistently with the Provisions of this Act, for supplying the Inhabitants within the Limits of this Act with Gas, and for other Purposes authorized by this Act, and to sell and dispose of Coke, and of all Products, Refuse, or Residuum arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, in such Manner as the Company may think proper.

Price of Gas.

XXVIII. And be it enacted, That from and after the First Day of *July* 1848 the Price of Gas supplied by the Company shall not exceed Five Shillings and Sixpence *per* Thousand Cubic Feet.

To be reduced when Sale amounts to 50,000,000 Cubic Feet.

XXIX. And be it enacted, That when and so often as the Quantity of Gas sold in any One Year shall amount to Fifty Millions of Cubic Feet the Price of Gas during the succeeding Year shall not exceed Five Shillings *per* Thousand Cubic Feet.

Expences of Act.

XXX. And be it enacted, That the Costs and Charges and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the Company out of the first Monies that shall come to their Hands after the passing thereof.

Public Act.

XXXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.