ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. xliv.

An Act to extend the Limits of the *Blackburn* Gaslight Company's Act for the Supply of Gas, and to authorize the raising of a further Sum of Money, and for other Purposes.

[14th *June* 1853.]

WHEREAS by the Local and Personal Act of the First and Second Year of *Victoria*, Chapter Forty-two, the *Blackburn* Gaslight Company were incorporated, and authorized to supply Gas to the Town and Township of *Blackburn*, and to purchase Lands and construct Works, as they might think fit for such Purpose, and to raise by the Creation of Shares a Capital of Thirty thousand Pounds, and by Mortgage of their Undertaking the Sum of Ten thousand Pounds: And whereas the said Company proceeded to carry the Powers of the said Act into execution, and established Works, and lighted various Streets, Places, and Buildings in the said Town and Township, and raised and expended the whole of the said Sums of Thirty thousand Pounds and Ten thousand Pounds: And whereas, since the passing of the said Act, the Number of Dwelling Houses, Mills, and other Buildings in the said Township have greatly increased, and in order to meet the additional Demand for Gas occasioned thereby the said Company extended their Works, and have expended in such Extension, out of the Profits of the Company, over and above the said Sums of Thirty thousand Pounds and Ten thousand Pounds, a further Sum of Eighteen thousand Pounds, or thereabouts, Fifteen thousand Pounds of which it is proposed

1 & 2 Vict. c. l.

should form Part of the Capital Stock of the Company incorporated by this Act: And whereas the Population and Number of Buildings in the Borough of *Blackburn*, and also in the several Townships following, (that is to say,) *Witton*, *Livesey*, *Lower Darwen*, *Oswaldtwisle*, *Rishton*, *Little Harwood*, *Ramsgreave*, and *Mellor*, have greatly increased since the passing of the said Act, and are rapidly increasing; and it is expedient that the Provisions of the said Act should be amended, and that the Limits of the Company to be incorporated by this Act should be defined to be the said Borough of *Blackburn*, and also the said Townships of *Witton*, *Livesey*, *Lower Darwen*, *Oswaldtwisle*, *Rishton*, *Little Harwood*, *Ramsgreave*, and *Mellor*, and that, for providing the Means of furnishing an increased Supply of Gas within the said Limits, the Company incorporated by this Act should be authorized to raise a further Sum of Money: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament; but the same might be more conveniently provided for 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 nd Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Recited Act repealed.

I. That the said recited Act shall be, and is hereby repealed, and the said Company shall be, and the same is hereby dissolved.

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

II. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," (except such of the Provisions thereof as relate to the Purchase of Lands otherwise than by Agreement), and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, and the Provisions of such incorporated Acts shall be applicable to the Purposes and Undertaking of the Company hereby incorporated, except as hereafter mentioned.

Interpretation of Terms.

III. That in construing the said "Companies Clauses Consolidation Act," "Lands Clauses Consolidation Act," and "Gasworks Clauses Act," as incorporated with this Act, the Expression "the Special Act," shall mean this Act; and the Expressions "the Works," or "the Undertaking," shall mean the Gasworks and Works connected therewith, by this Act vested in the Company incorporated by this Act, or which they may be authorized to execute; the Expressions "the Promoters of the Undertaking," or "the Undertakers," shall mean the Company incorporated by this Act; and the Expression "Gasworks," shall include the Gasworks and Works connected therewith by this Act vested in the said Company, or which they may construct under the Authority hereof.

IV. That

Interpretation of "Company."

IV. That the Word "Company" in this Act shall mean the Company incorporated by this Act.

Re-establishment of Blackburn Gas Company.

V. That the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company hereby dissolved, and all other Persons and Corporations who have subscribed or shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes herein-after mentioned, and shall be incorporated by the Name of "The *Blackburn* Gaslight Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and may sue and be sued, plead and be impleaded, at Law and in Equity; and shall and may prefer and prosecute any Bill of Indictment against any Person who shall commit any Felony, Misdemeanor, or other Offence against the Laws of this Realm, and shall have Power to purchase or take on Lease and hold and sell Lands for the Purposes of this Act.

Company established for Purposes herein named.

VI. That the Company shall be established for the Purpose of supplying and lighting with Gas produced from Coal or other Material the several Streets, Roads, Highways, Byeways, Lanes, public Places, Churches, Chapels, and Buildings, and also the several Shops, Taverns, private Houses, Manufactories, Warehouses, and other Buildings, within the Limits herein-after defined; and also for the dealing in Coke, Coal, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Matters the Products of the Coal or other Materials which may be employed in the Manufacture of such Gas, and also for manufacturing and selling or dealing in Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks, or with the Supply of Gas to the Consumers thereof, in such Manner as the Company may think proper.

Limits of Act.

VII. That the Limits of this Act shall be held to comprise the Borough of *Blackburn*, and the Townships of *Witton*, *Livesey*, *Lower Darwen*, *Oswaldtwisle*, *Rishton*, *Little Harwood*, *Ramsgreave*, and *Mellor*, all in the County of *Lancaster*.

Effects of dissolved Company vested in Company hereby incorporated.

VIII. 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 Company hereby dissolved shall be and the same are hereby vested in the Company hereby incorporated; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the Company hereby dissolved shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the Company hereby incorporated; and all Debts which immediately before the passing of this Act were due and owing by the

the Company hereby dissolved shall be paid, with all Interest (if any) due and to accrue due thereon, by the Company hereby incorporated; 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 Company hereby dissolved shall be and become due and payable to the Company hereby incorporated, 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 Company hereby incorporated; and all Conveyances, Contracts, Mortgages, Bonds, Covenants, Liabilities, Securities, Arrangements, and Agreements made or entered into before the passing of this Act to, with, in favour of, or by or for the Company hereby dissolved shall be and remain as valid and effectual in favour of or against and with reference to the Company hereby incorporated, and may be proceeded on, enforced, and satisfied in the same Manner to all Intents and Purposes as if the Company hereby incorporated had been a Party to, executed, and incurred the same, or had been named or referred to therein, instead of the Company hereby dissolved.

Rates and Rents payable under recited Act to continue till altered by this Act.

IX. That the Dividends, Rates, Rents, or Charges authorized, made, or imposed under or by virtue of the recited Act, 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 Dividends, Rates, Rents, or Charges to be received in pursuance of this Act may be collected or received.

Sales, &c. of Shares under recited Act to remain in force under this Act.

X. That all Sales, Transfers, and Dispositions, executed before the passing of this Act, of any Share or Shares in the Joint Stock of the Company hereby dissolved, 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.

XI. That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Company hereby dissolved previous to the passing of this Act shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, the same shall continue to take effect either in favour of or against the Company hereby incorporated, in the same Manner in all respects as the same would have continued and taken effect in relation to the Company hereby dissolved if this Act had not been passed; and also all Penalties incurred by any Offence against the Provisions of the recited Act previously

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 Company hereby incorporated being, in reference to the Matters aforesaid, in all respects substituted in the Place of the Company hereby dissolved.

Books, &c. Evidence under recited Act to continue so.

XII. That all Books and other Documents whatsoever by the recited Act authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

Officers acting under recited Act to continue till removed.

XIII. 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 shall be removed therefrom by the 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.

XIV. That the Capital of the Company shall be Ninety thousand Pounds, subject to Augmentation as herein-after mentioned, and shall be divided into Six thousand Shares of the nominal Value of Fifteen Pounds each.

Appropriation of Shares.

XV. That every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares of the nominal Value of Ten Pounds in the Capital of the Company hereby dissolved shall for each such Share be possessed of or entitled to One Share of the nominal Value of Fifteen Pounds in the Capital of the Company hereby incorporated, without making any further Payment in respect thereof, and the said Shares are hereby vested in such Persons and Corporations accordingly.

New Shares to be subject to the same Trusts as the old.

XVI. That all Persons and Corporations in whom any of the said Shares shall be vested as aforesaid shall stand and be possessed thereof upon the same Trusts and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, as the Trusts, Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances upon or to which the Share or Shares in the Capital of the Company hereby dissolved in respect of which such Share or Shares was or were so vested was or were subject and liable 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 by Creation of new Shares.

XVII. That for the Purpose of enabling the said Company to raise the Residue of the said Capital of Ninety thousand Pounds, it shall be lawful for them to create Three thousand additional Shares of the nominal Value of Fifteen Pounds each, and such Shares shall be offered to the then Proprietors of Shares in the Proportion of One of such additional Shares for every then existing Share.

How Offer to be made, and Shares to vest in Persons accepting Offer and paying Calls.

XVIII. That such Offer shall be made by Letter, under the Hand of the Clerk of the Company, given to or sent by Post to each Proprietor, or left at his usual or last known Place of Abode, or addressed to his last Address appearing in the Shareholders Address Book, by the said Companies Clauses Consolidation Act required to be kept, of which Letter having been so given or sent the Certificate of such Clerk shall be conclusive Evidence; and such newly-created Shares shall vest in and belong to the Proprietors who shall accept the same, and pay to the Company the Price at which the same were allotted to them, at such Times and in such Manner, and by such Instalments as shall be fixed by the Directors.

As to Disposal of Shares not taken by the Proprietors.

XIX. That if any Proprietor fail for One Month after such Offer of newly-created Shares to accept the same, or to pay any Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof for such Sum as the Company can obtain for the same, or otherwise as they think proper.

Calls.

XX. That Twenty Pounds *per Centum* upon the nominal Amount of each Share shall be the greatest Amount of any One Call which may be made in respect of any additional Shares to be created by virtue of this Act; and there shall be an Interval of not less than Two Months between any Two successive Calls; and the aggregate Amount of all Calls on any One Share in One Year shall not exceed Four Fifths of the Amount of such Share.

Application of Money.

XXI. That all Money to be raised under the Provisions of this Act shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Number and Qualifications of Directors.

XXII. That, subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors of the Company shall, until the First Ordinary Meeting of the Company, be Eleven, and after such Meeting shall be Nine; and the Qualification of a Director shall be the Possession by him in his own Right of as many Shares in the Undertaking as will represent the Sum of Three hundred Pounds of paid-up Capital.

Power to vary the Number of Directors.

XXIII. That it shall be lawful for the Company, by Vote of any General Meeting, from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Six.

XXIV. That

First Directors.

XXIV. That the several Persons who immediately before the passing of this Act were Directors of the Company hereby dissolved shall be the First Directors of the Company.

Directors to retire from Office at the First Ordinary Meeting, but shall be eligible for Re-election.

XXV. That at the First Ordinary Meeting of the Company the several Persons who shall then be Directors of the Company shall go out of Office and cease to be Directors; and at such Meeting the Shareholders present, personally or by Proxy, shall elect a new Body of Nine Directors, the several Persons who immediately before such Meeting shall be Directors being eligible to be Members of such new Body.

Remuneration of the Directors and Auditors.

XXVI. That the Remuneration of the Directors and Auditors shall from Time to Time be fixed by a General Meeting of the Company, and shall be paid out of the Rents, Rates, or Sums receivable under this Act.

Quorum.

XXVII. That a Quorum of a Meeting of the Directors shall be Three.

Committee of Directors.

XXVIII. That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Six, and the Quorum of such Committees shall be left to the Discretion of the Directors.

First and other Meetings.

XXIX. That the First Ordinary Meeting of the Company shall be held on the Third *Thursday* after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Month of *February* in every succeeding Year; and all Meetings of the Company, whether ordinary or extraordinary, shall be held at the Office of the Company, or such other Place in *Blackburn* as the Directors shall appoint.

Power to purchase Lands.

XXX. Whereas the Company hereby dissolved were authorized by the recited Act to purchase, by Agreement with the Owners of and other Persons interested in Lands, any Quantity of Land, not exceeding Five Statute Acres, for the Purpose of their Undertaking: Be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land by Agreement with the Owners, Lessees, and Occupiers thereof, not exceeding in the whole together with such other Lands as may be vested in them Five Statute Acres.

Nothing to authorize Company to take Lands without Consent.

XXXI. That nothing in this or "The Lands Clauses Consolidation Act, 1845," contained shall authorize the Company to take or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Power to construct Gasworks, &c.

XXXII. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Retorts, Gasometers, Receivers, Drains, Sewers, Machinery,

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 Gas within the Limits of this Act, and for other Purposes authorized by this Act, and to sell, manufacture, and dispose of Coke and Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, in such Manner as the Company may think fit.

Charge for Supply of Gas by Meter limited.

XXXIII. That the maximum Price at which Gas shall be sold by the Company to all Persons who shall burn the same by Meter shall not exceed Five Shillings and Sixpence *per* One thousand Cubic Feet.

Consumers may be required to consume Gas by Meter.

XXXIV. That every Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter, to be provided by the Company at a Rent not exceeding Ten Pounds *per Centum per Annum* on the Cost of the Meter, unless such Consumer shall desire to provide such Meter at his own Cost, to be approved of by the Company.

Recovery of Rents.

XXXV. That if any Person supplied with Gas by the Company, or having hired from the Company any Meters or Fittings for Gas, neglect to pay the Rent due for the same to the Company for the Space of Ten Days after Demand, it shall be lawful for the Company, or the Directors, or any Person acting under their Authority, to levy the Sum so due, or any Part thereof, together with Costs, by Distress and Sale of the Goods and Chattels of the Person neglecting to pay the same, wherever such Goods and Chattels may be found, in the same Manner as Rents in arrear on Common Demise may by Law be recovered, rendering the Overplus (if any) to the Person so neglecting to pay, after deducting the necessary Charges of such Distress and Sale, or the Company may recover the Sum so due in the Manner prescribed for the Recovery thereof in "The Gasworks Clauses Act, 1847."

Expenses of Act.

XXXVI. That all the Costs, Charges, and Expenses of applying for and obtaining this Act, or incident thereto, shall be defrayed by the Company.

Short Title.

XXXVII. That in citing this Act in Acts of Parliament and legal Instruments and Proceedings it shall be sufficient to use the Expression "The *Blackburn* Gas Act, 1853."

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