ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xx.

An Act for lighting with Gas the Borough of *Bolton* and Places near thereto, and for other Purposes, and of which the Short Title is "The *Bolton* Gas Company's Act, 1854."

[12th *May* 1854.]

WHEREAS by an Act passed in the Sixth Year of Her present Majesty, intituled *An Act for more effectually lighting with Gas the Borough of* Bolton *and certain Places adjacent thereto in the County of* Lancaster, "The *Bolton* Gaslight and Coke Company" were incorporated, and were authorized to light with Gas the Borough of *Bolton* and Places adjacent, and to raise a Share Capital of Forty-nine thousand five hundred Pounds in Shares of Sixteen Pounds Ten Shillings each, and to borrow not exceeding Fifteen thousand Pounds, and to convert Loans into Share Capital, and to make and maintain Gasworks: And whereas under that Act the Company have established Gasworks in *Bolton*: And whereas the Company's Share Capital is Sixty-four thousand four hundred and ninety-eight Pounds Ten Shillings, divided into Three thousand nine hundred and nine Shares of Sixteen Pounds and Ten Shillings each, and that Capital consists of that authorized Share Capital of Forty-nine

6 & 7 Vict. c. xiv.

nine thousand five hundred Pounds, and Fourteen thousand nine hundred and ninety-eight Pounds Ten Shillings additional Share Capital created under the Powers of the recited Act by the Conversion of Loans into Share Capital, and no Part of the Capital has any Preference over any other Part thereof: And whereas the Powers of the Company to raise Money by Shares or by borrowing are exhausted, except to the Extent of One Pound Ten Shillings: And whereas the Company have no Mortgage or Bond Debt: And whereas it is expedient that the Powers of the Company be extended, and that they be authorized to light with Gas the several other Places named in that Behalf in this Act, and that their Capital be increased to enable them to extend their Operations, and for the other Purposes of this Act: And whereas, in order to avoid Inconveniences arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the recited Act be repealed, and some of the Powers and Provisions thereof be re-enacted or amended and continued by this Act: And whereas such several Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. That this Act may be cited for any Purposes as "The *Bolton* Gas Company's Act, 1854."

Limits of Act.

II. That the Limits of this Act shall be the whole of the Borough of *Bolton*, and the Townships, Hamlets, or Places of *Sharples-lower-end*, *Great Lever*, *Rumworth*, *Tonge-with-Haulgh*, *Tonge*, *Darcy Lever*, *Bradshaw*, *Turton*, *Lostock*, *Middle Hulton*, *Halliwell*, *Heaton*, *Horwich*, and *Little Bolton*, in the several Parishes of *Bolton-le-Moors*, *Middleton*, and *Deane*, all in the County Palatine of *Lancaster*.

Company may lay Pipes along the Bolton and Saint Helen's Road in Township of Over Hulton.

III. That, subject to the Provisions of this Act and of the several Acts incorporated herewith, it shall be lawful for the Company to lay and maintain a Main or Service Pipe along the *Bolton* and *Saint Helen's* Turnpike Road in the Township of *Over Hulton* in the said County Palatine of *Lancaster*.

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

IV. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," are incorporated with this Act: Provided always, that the Company shall not purchase any Land otherwise than by Agreement.

Same Meaning to Words, &c.

V That the several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the

the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Recited Act repealed.

VI. That from and after the Commencement of this Act the recited Act is by this Act repealed.

Company continued.

VII. That, notwithstanding the Repeal of the recited Act, the Company shall for the Purposes of this Act, and as from the passing of the recited Act, be and continue incorporated, but by the Name of "The *Bolton* Gas Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to make and maintain Gasworks, and to supply Gas, and to carry on the Business of a Gas Company, and to purchase, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act.

Company to be liable in all respects as if Act not passed.

VIII. That, notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the recited Act shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened and this Act were not passed would be incident to and consequent on any and everything so done and suffered respectively, and the Company hereby incorporated shall have and be subject and liable to all Rights, Liabilities, Claims, and Demands, at Law and Equity, in the same Manner and to the same Extent as the Company under the repealed Act would have had or would have been subject to or liable in respect of the same if this Act had not passed.

Company to remain entitled to their Property.

IX. That, notwithstanding the Repeal of the recited Act, the Company shall be and continue seised and possessed of and entitled to all the Gasworks, Retorts, Mains, Pipes, Meters, Apparatus, and other Works and Conveniences, Lands, Buildings, Monies, Property, Choses in Action, Effects, Claims, and Demands whatsoever, of or to which the Company is by virtue of the recited Act or otherwise howsoever immediately before the Commencement of this Act seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, as if this Act were not passed, and may, according to the Provisions of this Act, maintain and use such Gasworks, Retorts, Mains, Pipes, Meters, Apparatus, Works, and Conveniences.

Company to be entitled to Powers,

X. That, notwithstanding the Repeal of the recited Act, the several Clauses and Provisions whatsoever in favour of, relating to, or affecting the

&c. under other Act.

the *Bolton* Gaslight and Coke Company, or the Committee, Officers, or Servants of the Company, contained in any other Act or Acts besides the recited Act, and which were immediately before the Commencement of this Act in force, shall, on and from the Commencement of this Act, apply to the *Bolton* Gas Company, and the Directors, Officers, and Servants of the Company, and shall be and continue in full Force accordingly, and the Company, and their Directors, Officers, and Servants, may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and enjoy, under and by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever as, if this Act were not passed, the *Bolton* Gaslight and Coke Company, and their Committee, Officers, and Servants, under or by virtue of the same, might be entitled to, or might have, exercise, or enjoy.

Conveyances, &c. to remain in force.

XI. That, notwithstanding the Repeal of the recited Act, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts, Deeds, and Things before the Commencement of this Act done, entered into, executed, or instituted under or by virtue or with reference to the Purposes thereof, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as if this Act had not passed, and may be proceeded on and enforced accordingly.

Actions not to abate.

XII. That, notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the Commencement of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Company, in like Manner in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the recited Act committed before the Commencement of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not passed; and the Court in which any such Action, Suit, Prosecution, or other Proceeding by or against the Company is pending, or any Judge, may, on the Application in a summary way of any Party thereto, cause the Name of "The *Bolton* Gas Company" to be substituted for the Name of "The *Bolton* Gaslight and Coke Company," as Party to such Action, Suit, Prosecution, or other Proceeding, and the Name of "The *Bolton* Gas Company" shall, after such Substitution, be used in such Action, Suit, Prosecution, or other Proceeding in like Manner as if the Company by the Name of "The *Bolton* Gas Company," instead of by the Name of "The *Bolton* Gaslight and Coke Company," had originally been Party thereto.

XIII. That,

Gas Rates due at Commencement of Act to be recoverable by the Company.

XIII. That, notwithstanding the Repeal of the recited Act, all Gas Rates and Rents which immediately before the Commencement of this Act are due and payable and accruing to the Company shall be payable to and may be collected and recovered by the Company in like Manner as the Gas Rates and Rents under this Act.

Debts due to and by the Compan to be paid to and by them.

XIV. That, notwithstanding the Repeal of the recited Act, all Persons who immediately before the Commencement of this Act owe any Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the Company, and all Debts and Monies which immediately before the Commencement of this Act are due or owing or recoverable from the Company, or for the Payment of which the Company are or but for this Act would be liable, shall be paid, with all Interest, if any, due and payable or accruing for the same, by or be recoverable from the Company.

Byelaws to remain in force.

XV. That, notwithstanding the Repeal of the recited Act, all Byelaws, Resolutions, Orders, Notices, and Proceedings of the Company and the Committee thereof, made and taken before the Commencement of this Act, and all Books, Accounts, Documents, and Writings whatsoever of or relating to the Company, shall for the Purposes of this Act continue of full Force and Effect as if this Act had not passed, and such Byelaws may be enforced, and all Penalties thereunder may be recovered accordingly: Provided always, that such Byelaws, unless confirmed by the Company, shall not be in force after the Expiration of Six Calendar Months after the passing of this Act.

Books to be Evidence.

XVI. That, notwithstanding the Repeal of the recited Act, all Books, Certificates, Writings, and Documents by that Act directed or authorized to be kept or made, and which, if this Act were not passed, would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Committee to remain in Office as Directors.

XVII. That, notwithstanding the Repeal of the recited Act, but subject to the Powers and Provisions of this Act, the several Persons who on the Commencement of this Act are the Committee of the Company shall remain in Office as and be the First Directors of the Company.

Officers to continue.

XVIII. That, notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the Authority of that Act 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 be removed from such Office and Employment, and shall have the like Power and Authority for the Purposes of this

Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever, as if he were appointed under this Act.

Capital.

XIX. That on and from the Commencement of this Act the Capital of the Company shall be One hundred and eighty-seven thousand six hundred and eighty-seven Pounds Ten Shillings, divided into Eleven thousand three hundred and seventy-five Shares of Sixteen Pounds Ten Shillings each.

3,909 Shares to be appropriated to existing Shareholders.

XX. That Three thousand nine hundred and nine of those Shares shall be deemed fully paid up Shares, and shall be appropriated to the Corporations and Persons who on the Commencement of this Act are the Shareholders of the Company, and those Three thousand nine hundred and nine Shares are by this Act vested in the Shareholders respectively after the Rate of One such Share for every One now existing Share in the Capital of the Company held by them respectively.

And to be subject to the same Trusts as now existing Shares.

XXI. That those Three thousand nine hundred and nine Shares shall be so vested in those Shareholders respectively upon the same Trusts, and subject to the same Powers, Provisions, Declarations, Agreements, Charges, and Incumbrances, upon or to which their respective Shares in the Capital of the Company are immediately before the Commencement of this Act held or subject, and so as to give Effect to and not revoke any Will or other Instrument disposing of or affecting any such Share.

Provisions as to 7,466 Shares.

XXII. That, subject to the Provisions of this Act, the Company may from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Shareholders present in Person or by Proxy at a General Meeting held for that Purpose, issue the Seven thousand four hundred and sixty-six remaining Shares, or any of them, and may from Time to Time fix, as they think fit, the Amount and Times of Payment of the Calls on those Shares.

Disposal of the 7,466 Shares.

XXIII. That, subject to the Provisions of this Act, the Directors may dispose of the Seven thousand four hundred and sixty-six remaining Shares in such Numbers and at such Times as they from Time to Time determine: Provided, that the Rate of Profit to be divided upon the said Seven thousand four hundred and sixty-six new Shares shall not exceed the Rate of Six Pounds Ten Shillings in the Hundred by the Year on the Amount paid up in respect of such Shares, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate.

XXIV. That

Interest on Calls in arrear.

XXIV. That the Rate of Interest payable on Calls in arrear shall be at the same Rate as the Rate of Dividend declared by the Company at the Meeting next before the making of the Call.

Power to raise further Capital on Mortgage.

XXV. That the Company may from Time to Time borrow on Mortgage or Bond any Sums not exceeding in the whole Forty-one thousand Pounds: Provided always, that the Company shall not so borrow any Money until the whole of the Eleven thousand three hundred and seventy-five Shares be subscribed for, and One Half of the nominal Amount thereof be paid up.

Application of new Shares in satisfaction of Mortgage Debt.

XXVI. That the Company may from Time to Time, by Agreement with any Mortgagee or Bond Creditor of the Company, allot to him any Shares in the Company in satisfaction of all or such Part as may be mutually agreed on of his Mortgage or Bond Debt, and upon every such Allotment the Shares so allotted shall be deemed fully paid up, and the Mortgages or Bonds in respect whereof those Shares are so allotted shall thereupon be extinguished: Provided always, that the Company shall not allot to any Mortgagee or Bond Creditor any Shares of a nominal Amount exceeding the Amount of Principal Money secured by his Mortgage or Bond in lieu whereof such Shares are so allotted to

Application of Money borrowed to pay off Debt.

XXVII. Provided always, That if the Company at any Time, for enabling them to pay off any Money borrowed, raise any Sum exceeding Forty-one thousand Pounds, the whole of such Excess shall be applied forthwith and exclusively in paying off Money borrowed.

Accounts of such Application.

XXVIII. And to the end that the whole of the Money raised by Shares for paying off Money borrowed be duly applied, the Company shall keep a separate and distinct Account of the Monies from Time to Time so raised, and of the Application thereof, and such Money shall be applied solely in or towards the Discharge of Monies borrowed, and on such Application the Powers of the Company for borrowing and re-borrowing Money shall, to the Extent of the Amounts so applied, absolutely cease.

Loan not to be converted into Capital.

XXIX. That, notwithstanding anything herein or in the said incorporated Acts contained, it shall not be lawful for the Company at any Time hereafter to convert the Money hereby authorized to be raised by Loan or Mortgage into Share Capital of the Company.

Arrears may be enforced by Appointment of Receiver.

XXX. That 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 the Amount to authorize the Requisition for a Receiver shall be Five thousand Pounds.

XXXI. That

Reserved Fund.

XXXI. That the Company from Time to Time may invest their reserved Fund in such Manner as they think fit.

Ordinary Meetings.

XXXII. That the First Ordinary Meeting of the Shareholders of the Company shall be held within the Limits of this Act within Twelve Months after the passing thereof, and the subsequent Ordinary Meetings of the Company shall be held in the Month of *August* in every Year.

Number of Directors.

XXXIII. That the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Five Shares.

Commissioners under Local Acts may be Directors.

XXXIV. That a Person shall not be disqualified as a Director by being a Commissioner under any Act of Parliament for any public Purpose within the Limits of this Act, and a Shareholder of the Company shall not be disqualified by reason of any Contract between the Company and such Commissioners for acting as such Commissioner.

Retirement of Directors.

XXXV. That all the Directors shall retire from Office at the yearly Ordinary Meeting, but shall be re-eligible.

Quorum for Meetings of Directors.

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

Committees of Directors.

XXXVII. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be not less than Three or more than Five, and the Quorum of any such Committee shall, if the Committee consist of more than Three Directors, be Three Directors, or, if it consist of Three Directors only, be Two Directors.

Auditor.

XXXVIII. That there shall be One Auditor: Provided always, that the Auditor need not be a Shareholder; provided also, that the Auditor shall be annually appointed by the Recorder of *Bolton* for the Time being, and shall not be a Member of the Council of the Borough of *Bolton*, or a Person directly or indirectly interested in any Contract with or Employment under the Company.

Receipts on behalf of incapacitated Persons.

XXXIX. That if any Money be payable to any 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.

Newspaper for Notices.

XL. That the Newspaper for Notices shall be a *Bolton* Newpaper, or, if none, a *Lancashire* Newpaper circulating in *Bolton*.

XLI. That

Power to maintain Works and supply Gas, &c.

XLI. That the Company may from Time to Time maintain, make, alter, and discontinue their now existing Gasworks, and all such Retorts, Gasometers, Receivers, Drains, Sewers, Mains, Pipes, Machinery, and other Works and Apparatus, and such Houses, Buildings, and Approaches, and do all such Acts as they think proper for making and storing Gas, and for supplying Gas within the Limits of this Act, and may make, store, and supply Gas accordingly, and may manufacture Coke and all other Products and Residuum of any Articles employed in or resulting from the Manufacture of Gas, and may sell the Gas and the Coke and other Products and Residuum of the Manufacture of Gas as they from Time to Time think fit.

Power to place Pipes to light Buildings.

XLII. That the Company, with the Consent of the Owner or Occupier of any Building, may lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or against the Building, for the Purpose of lighting it, and may provide and set up any Apparatus necessary for securing to the Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Consumption of Gas by Meter.

XLIII. That every Consumer of Gas supplied by the Company shall, on Request in Writing by the Company, consume the Gas supplied to him by Meter, to be provided at his Expense; but any Meter provided by a Consumer shall be approved by the Company before it is used or put up.

Limiting Price of Gas.

XLIV. That the Price of Gas to be supplied by the Company shall not exceed Five Shillings *per* One thousand Cubic Feet.

Company to provide certain Lights.

XLV. That the Company shall, at their own Expense, supply Gas for Light equal to Four common Street Gaslights at and in each of the several Lamps following; that is to say, a Lamp upon the Pillar in the Old Market Place, a Lamp upon the Pillar of the New Market Place, and a Lamp upon a Pillar in *Ray Street*, all in the Borough of *Bolton*; and the said Lamps shall be lighted and continued lighted at all Times that public Street Lamps are usually lighted in the said Borough, and shall be lighted and extinguished by the Persons for the Time being having the Care of lighting and extinguishing such public Street Lamps.

As to Appointment of Inspector.

XLVI. That the Recorder of the Borough of *Bolton* shall appoint, and from Time to Time remove and again appoint, an Inspector of Meters, which he is hereby authorized to do; and such Inspector shall have at all Times, on the Application and at the Expense of any Consumer of Gas supplied by the Company, a Right to inspect the Meters erected by the Company on the Premises of the Person making such

Request, after giving Forty-eight Hours Notice of such intended Inspection to the Company, or to their Secretary, Clerk, or Manager.

Recovery of Money by Distress.

XLVII. That all Sums of Money due to the Company for the Supply of Gas, or for the Hire of Meters or Gas Fittings, and the Amount of which is less than Twenty Pounds, may be recovered and levied as Damages.

Several Names, &c. in One Warrant.

XLVIII. That any One Warrant issued for any of the Purposes of this Act may contain in the Body thereof or in a Schedule thereto several Names and several Sums.

Costs of Distress.

XLIX. That any Justice who issues a Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Proceedings for the Recovery of the Money to be levied shall be paid by the Person liable to pay such Money, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Money

Expenses of Act.

L. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

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