ANNO DECIMO NONO

VICTORIÆ REGINÆ.

****

Cap. xiii.

An Act for granting further Powers to the *Heywood* Gaslight and Coke Company. [5th *June* 1856.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for lighting with Gas the Village of* Heywood *within the Parish of* Bury *in the County Palatine of* Lancaster, and by the said Act "The *Heywood* Gaslight and Coke Company" were incorporated: And whereas the said Company have proceeded in the Execution of the said Act, and have constructed their Works, and are now and have been for many Years supplying *Heywood* with Gas, and it will be beneficial to the Public and profitable to the Company if the Powers of the Company are extended: And whereas by the recited Act the Company are authorized to raise a Capital of Ten thousand Pounds, divided in Shares of Twenty-five Pounds each, and they are authorized to borrow Three thousand Pounds; and of the said Share Capital the Company have by Calls (amounting to Seventeen Pounds Five Shillings *per* Share) raised the Sum of Six thousand nine hundred Pounds, the whole of which has been expended on the Works of the Company; and they have also from Time to Time expended on the permanent Works of the Company Sums exceeding Three thousand five hundred Pounds out of the annual divisible Profits of the Undertaking,

7 G. 4. c. xxxvii.

taking, which Sum of Three thousand five hundred Pounds exceeds the Rate of Seven Pounds Fifteen Shillings *per* Share, but the Company have not exercised their Power of borrowing: And whereas it is expedient that the Company should be empowered to raise additional Capital for the Purpose of enabling them to improve and extend their Works: And whereas the Provisions of the said recited Act require Alteration, and it will be convenient that the said Act should be repealed, and that the following Provisions should be enacted or re-enacted in the Stead thereof: But inasmuch as these Purposes cannot be effected without the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:

Recited Act repealed.

I. On the passing of this Act the said recited Act shall be and the same is hereby repealed (but subject to the Provisions contained in this Act).

Interpretation of "the Company."

II. In the Construction of this Act the Expression "the Company" shall mean "The *Heywood* Gaslight and Coke Company."

Company to continue incorporated.

III. Notwithstanding the Repeal of the said Act, the Company shall for the Purposes of this Act, and at and from the passing of the said recited Act, remain incorporated by the Name of "The *Heywood* Gaslight and Coke Company," and by that Name shall continue to be and shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to use and maintain the Gasworks authorized by the recited Act, and to construct and maintain the Works by this Act authorized, and to purchase, take, hold, and dispose of Lands and other Property for the Purposes and within the Restrictions of this Act, and for otherwise carrying the Purposes of this Act into execution, and shall be liable at Law and in Equity for all Acts, Matters, and Things done or omitted to be done by them under the Act hereby repealed, in the same Manner and to the same Extent as they would have been liable in case the said Act had not been repealed.

Works to remain vested in the Company.

IV. The Company shall remain and be seised and possessed of and entitled to all Gasworks, Gasometers, Retorts, Apparatus, Works, and Conveniences, and all Lands, Easements, Appurtenances, prospective and other Rights, Powers, and Privileges, Real and Personal Estates, and of all Rights and Interests therein or relating thereto whatsoever of or to which the Company or any Person in trust for them were or was seised, possessed, or entitled at Law or in Equity immediately before

before the passing of this Act, and all Rates, Rents, and Monies due or accruing to, and all Securities, Books, Accounts, Documents, Choses in Action, Effects, and Property immediately before the passing of this Act vested in the Company, and all other their Privileges, Rights, Titles, Estates, and Interests in the same respectively, shall from and after the passing of this Act remain and continue to be held and enjoyed accordingly for the absolute Use and Benefit of the Company for the Purposes of this Act, and for the same Estates, Terms, and other Interests, as if the said recited Act had not been repealed, subject nevertheless to the Charges, Interests, and Liabilities (if any) to which at the Time of the passing of this Act the same Premises are respectively subject.

Conveyances, &c. to remain in force.

V. All Purchases, Sales, Conveyances, Grants, Assurances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act done, entered into, executed, or instituted under or by virtue of the recited Act, or with reference to the Purposes thereof respectively, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as they would have been if the recited Act had not been repealed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

VI. Any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company previously to the passing of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Company in the same Manner to all Intents and Purposes as if this Act had not passed; and Proceedings for all Offences against the Provisions of the said recited Act committed before the passing of this Act may be commenced and prosecuted, and all Penalties incurred by reason of such Offences may be sued for in like manner in all respects, as if the recited Act had not been repealed.

Rates or Rents now payable to continue in force.

VII. All Rates, Rents, and Charges whatsoever made, charged, or imposed under the said Act, and which at the Time of the passing of this Act are due, or if this Act had not passed would have accrued due, shall continue in force until the same shall be altered under the Authority of this Act, and shall be due and payable to the Company, and may be collected, recovered, and enforced, by such Means and under such Restrictions and Regulations, as any Rates, Rents, or Charges may be collected, recovered, or enforced under this Act.

Liabilities of Company under recited

VIII. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the

Act to continue.

the passing of this Act done or suffered under the recited Act shall be as valid as if the said recited Act were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the recited Act were not repealed, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company by this Act incorporated shall, to all Intents and Purposes, except as expressly altered by this Act, represent the Company by the first-recited Act incorporated: Provided always, that the Generality of the preceding Provision shall not be restricted by any of the other Clauses or Provisions of this Act.

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

IX. All Persons who immediately before the passing 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 or to accrue due for the same to the Company, and the same shall be recoverable by the Company; and all Debts and Monies which immediately before the passing of this Act are due or owing by 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 or to accrue due thereon by or be recoverable from the Company.

Resolutions, &c. to remain in force.

X. All Resolutions, Orders, Notices, and Proceedings of the Company, and the Committee thereof, made and taken before the passing 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.

Certificates and Transfers to remain in force.

XI. All Certificates, Sales, Transfers, and Dispositions before the passing of this Act made or executed under the said Act, of or in respect of any Shares in the Company, shall remain in full force and continue to be available in all respects.

Committee of Management to be First Directors.

XII. The several Persons who on the passing of this Act constitute the Committee of Management of the Company shall be the First Board of Directors under this Act, and shall remain in Office until the First Ordinary Meeting of the Company to be held in the Year One thousand eight hundred and fifty-seven.

Present Officers continued.

XIII. All Officers and Persons appointed by virtue of or acting under the Authority of the recited Act shall continue in their respective Offices and Employments, according to their respective Appoint-

Appointments, until removed therefrom according to the Provisions of this Act; and all other such Officers and Persons shall have the same Powers, Privileges, and Advantages, and all such Officers and Persons and their respective Sureties shall be liable to the same or the like Conditions, Penalties, Obligations, Restrictions, and Regulations as if such Officers and Servants respectively had been appointed and such Sureties had become bound by virtue of this Act.

Books to be Evidence.

XIV. Notwithstanding the Repeal of the said recited Act, all Books and other Documents relating to the Company, which if this Act had not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity, and elsewhere accordingly.

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

XV. The several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," (except as after mentioned,) and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act.

Nothing to authorize the taking of Lands without Consent.

XVI. Provided always, That nothing herein or in "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.

Interpretation of certain Terms.

XVII. In construing "The Companies Clauses Consolidation Act," "The Lands Clauses Consolidation Act," and "The Gasworks Clauses Act," for the Purposes of this Act, the Expression "the Special Act" shall mean this Act; and the Expressions "the Works" or "the Undertaking" shall mean the Undertaking and Works by this Act authorized to be made and maintained respectively; the Expression "the Promoters of the Undertaking" or "the Undertakers" shall mean the Company; and the Expression "Gasworks" shall include the Gasworks and Works connected therewith by this Act vested in the Company, or which they may construct under the Authority hereof; and 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* in the said County.

Shares now vested in Proprietors of the Company to remain so.

XVIII. The Four hundred Shares (representing Ten thousand Pounds, the existing Capital of the Company) shall remain vested in the several Persons and Corporations respectively who immediately before the passing of this Act were possessed of or entitled to those Shares, upon each of which the full Amount of Twenty-five Pounds shall be deemed to have been paid; and the said Shares shall confer on the Holders thereof the same Rights and Interests as they would

have enjoyed in respect thereof if this Act had not been passed, save in so far as such Rights or Interests may be expressly altered by this Act.

Certificates of old Shares to apply to the Shares created under this Act.

XIX. The Certificates of the Shares created under the Powers of the said recited Act, and which shall be existing at the Time of the passing of this Act, shall, until called in, continue to be the Certificates of the said Shares under this Act, and it shall not be necessary for the Company to issue fresh Certificates in respect of such Shares except under the Provisions of "The Companies Clauses Consolidation Act, 1845," in Cases where such Certificates shall be worn out or damaged, or lost or destroyed; but the Company may, if they think fit, at any Time call in such Certificates, and grant others in the Stead thereof.

Shares to be held upon the same Trusts.

XX. All Persons and Corporations in whom any of such Shares are or may be vested as aforesaid shall stand possessed thereof upon the same Trusts and subject to the same Powers, Provisions, Declarations, Agreements, Charges, Liens, and Incumbrances as the said Shares were subject and liable to immediately before the passing of this Act.

Power to raise additional Share Capital by Creation of new Shares.

XXI. In addition to the said Capital of Ten thousand Pounds, it shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting or Meetings specially convened for the Purpose, to raise, by the Creation of new Shares, any further Sum or Sums that they may think proper, not exceeding in the whole the Sum of Thirty thousand Pounds, and to attach such Conditions, Stipulations, and Advantages to such new Shares or any of them as may be agreed upon at such Meeting or Meetings.

Dividend on additional Capital limited.

XXII. It shall not be lawful for the Company to pay any greater annual Dividend or Interest than at the Rate of Seven and a Half *per Centum* upon the new Shares so to be created, or upon any Stock into which the said new Shares may be converted, or to guarantee any greater annual Dividend or Interest on the said Shares or Stock than at the Rate of Six Pounds *per Centum*.

Additional Capital to be offered in first place to existing Shareholders.

XXIII. When any such Shares are created they shall be offered to the then Proprietors of Shares in proportion, as nearly as can conveniently be done, to the Shares held by them respectively in the Capital of the Company at the Time of the Creation of such new Shares.

Offer to be made by Letter.

XXIV. Such Offer shall be made by Letter, under the Hand of the Secretary of the Company, given to or sent by Post, addressed to each

each Shareholder according to his Address as entered in the Shareholders Address Book, or left at his usual or last known Place of Abode in *England*, and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the due Course of Delivery ought to reach the Place to which it is addressed.

Shares to vest in Parties accepting, otherwise to be disposed of by the Company.

XXV. Such new Shares so to be from Time to Time created shall vest in and belong to the Shareholders who shall accept the same and pay the Value thereof to the Company, at the Time or Times and by the Instalments which shall be fixed by the Company; and if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, and to pay the 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.

Directors may permit Shareholders to take new Shares after Time specified in case of their Absence abroad, &c.

XXVI. Provided always, That it shall be lawful for the Directors, in case they shall think proper so to do, but not otherwise, to permit any Shareholder, who from Absence abroad or from any other Cause satisfactory to the Directors may have omitted or neglected (within the Time limited by this Act) to signify his Acceptance of the new Share or Shares which may have been offered to him, or to which he may be entitled by virtue of this Act, to accept such Share or Shares, and to pay for each Share the Sum at which the same shall have been allotted to him, notwithstanding the Time limited for such Acceptance or for the Payment of such Sum may have expired.

Calls.

XXVII. Five Pounds shall be the greatest Amount of any One Call which the Company may make in respect of any new Shares which may be created under this Act, and Three Months at the least shall intervene between successive Calls, and the aggregate Amount of Calls to be made on any Share in any One Year shall not exceed Three Fifths of the Amount of such Share.

Amount of CapitalStock to confer Right of voting limited.

XXVIII. If the Company at any Time consolidate all or any Part of the then existing Shares in their Capital into One General Capital Stock, any Part of such Stock less than Twenty-five Pounds shall not confer on the Holder thereof any Right of voting or any Qualification.

Power to borrow on Mortgage.

XXIX. When and so soon as the whole Capital of the Company is subscribed for, and One Half thereof is paid up, it shall be lawful for them to borrow on Mortgage of their Undertaking, or on Bond, such Sums of Money as may from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, so that the

the Company do not owe on Mortgage or Bond at any One Time any greater Sum than Ten thousand Pounds.

Application of Money.

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

First Meeting of Company.

XXXI. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act.

Quorum of General Meetings.

XXXII. The Quorum of all Meetings of Shareholders, whether ordinary or extraordinary, shall be Five Persons holding in the aggregate not less than Five hundred Pounds in the Capital of the Company.

Number and Qualification of Directors.

XXXIII. The Number of Directors of the Company shall be Eleven, and the Qualification of a Director shall be his holding in his own Right not less than Four Shares.

Power to reduce the Number of Directors.

XXXIV. The Company from Time to Time may reduce the Number of Directors, but not to less than Five.

Quorum for Meetings of Directors.

XXXV. The Quorum of a Meeting of Directors shall be Three Directors.

Receipts on behalf of incapacitated Persons.

XXXVI. 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.

Limits of Act.

XXXVII. The Limits of this Act for the Supply of Gas shall extend to and include the Town or Village of *Heywood*, and so much of the Townships or Places of *Birtle-cum-Bamford*, *Ashworth*, *Hopwood*, and *Pilsworth*, in the Parish of *Middleton*, of *Heap* and *Whittle* in the Parish of *Bury*, and of *Castleton* and *Spotland* in the Parish of *Rochdale*, as are not within the Limits of "The *Rochdale* Improvement Act, 1853," all of which Places are in *Lancashire*.

Company may by Agreement purchase Lands in Schedule and other Lands.

XXXVIII. The Company may by Agreement purchase the Lands mentioned in the Schedule to this Act, and such other Lands within the Limits of this Act as, subject to the Restrictions of this Act, the Company may deem requisite for any of the Purposes of their Undertaking; but the Company shall not hold at any One Time more than Eight Acres of Land.

XXXIX. Subject

Power to construct Gasworks.

XXXIX. Subject to the Provisions in this Act and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to make, construct, lay down and 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 belonging to the Company or hereby authorized to be purchased by them, and to do all such other Acts as they shall think necessary consistently with the Provisions of this Act for supplying Gas within the Limits of this Act, and to sell, manufacture, and dispose of Coke and other Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, in such Manner as the Company may think proper: Provided always, that it shall not be lawful for the Company to erect any Works for the Manufacture of Gas upon any Land other than and except upon the Lands mentioned in the Schedule, and upon the Land whereon at the Time of the passing of this Act their Works for the Manufacture of Gas are situate.

Company empowered to lay Pipes for lighting Buildings.

XL. Subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipes into, through, or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Consumers of Gas may be required to consume Gas by Meter.

XLI. Every private Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter, to be found and provided by the Company if the Consumer shall not think fit to provide the same at his own Expense; and in case the Consumer shall supply a Meter, such Meter and the Pipes connected therewith shall not be subject to Distress for Rent, or be liable to be taken in Execution under any Process of any Court of Law or Equity or any Process in Bankruptcy against the Company.

Limiting Charge for Gas supplied by Meter.

XLII. 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 Six Shillings and Sixpence *per* Thousand Cubic Feet.

Quality of Company's Gas.

XLIII. All the Gas supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes, and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Ten Sperm Candles, of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Company to erect a Meter to test Purity of Gas.

XLIV. The Company shall within Six Months after the passing of this Act cause to be erected in some convenient Part of their Works an Experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Power to Justices on Requisition to authorize testing of Gas.

XLV. It shall at any Time be lawful for any Two Justices, not being Directors or Shareholders of the Company, on receiving a Requisition, signed by not less than Five Consumers of the Gas of the Company, complaining that the Gas supplied to them is not in their Judgment and Belief of the full illuminating Power prescribed by this Act, if they shall think fit, by Order in Writing under their Hands, to appoint some competent Person to proceed to the Works of the Company, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Company, may, at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power of the Gas of the Company, by means of the Experimental Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall thereupon be proved to the Satisfaction of the said Two Justices, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum, not exceeding Twenty Pounds, as the said Justices shall determine.

Cost of Experiment to be paid according to the Event.

XLVI. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company shall be paid together with such Penalty by the Company; but in the event of the Gas being found when tested to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid by the several Persons making such Requisition as aforesaid to the Company, and shall be paid or levied accordingly.

Future Pipes to be distinguished.

XLVII. All Pipes which shall hereafter be laid down by the Company within the Limits of this Act shall be of such Construction, or shall be so marked, as that the same may be easily distinguishable from

from the Pipes of any other Company or Person laid down within the same Limits.

As to Recovery of Rent for Gas and Fittings.

XLVIII. In addition to the Power given by "The Gasworks Clauses Act, 1847," in this Behalf, the Company may recover the Rent of any Gas, or the Price or Rent of any Pipe, Burner, Meter, Lamp, or Fitting supplied, sold, delivered, or let to Hire by the Company, together with the Expense of cutting off the Service Pipe or Gas, by Action in any Court of competent Jurisdiction, although the Demand in respect thereof may be less than Twenty Pounds.

Saving Rights of the Lord of the Manor.

XLIX. Nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice, or destroy any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, or lawful Customs belonging, due, or in anywise appertaining to the Lord or Lords of the Manor or reputed Manor of *Bury* in *Lancashire* in any Capacity whatsoever; but all and every such Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, and Customs may be exercised, demanded, exacted, received, and enjoyed in as full and ample Manner to all Intents and Purposes as the same were enjoyed before the passing of this Act.

Expenses of Act.

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

Short Title.

LI. In citing this Act for any Purpose it shall be sufficient to describe it as "The *Heywood* Gas Amendment Act, 1856."

SCHE-

SCHEDULE referred to in the foregoing Act.

CERTAIN Lands and Premises bounded on the North by the River Roach, on the South by Lands belonging to the Devisees of the late James Starkey, Esquire, and lying between the existing Gasworks of the Company and the Road leading thereto, and a certain Street called Peel Street; on the East by the Turnpike Road called Bamford Road, leading from Heywood to Hooley Bridge; and on the West by a Plantation belonging to the said Devisees, and in the Occupation of Mr. James Kay, and forming Part of an Estate or Farm called Kay's Farm; all which Lands and Premises are situate in the Township of Heap aforesaid.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.