CHAPTER liii.

An Act for conferring additional powers upon the Hyde Gas Company; and for other purposes. [3rd June 1880.]

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WHEREAS by the Hyde Gas Act, 1855 (in this Act referred to as the Act of 1855) the Hyde Gas Company (in this Act called the Company) were re-incorporated and continued and empowered to make and supply gas within the limits of the Act of 1855 and to carry on the ordinary business of a gas company: 18 & 19 Vict. c. lxiv.

And whereas the Company proceeded to carry the Act of 1855 into execution and acquired lands and erected works and laid down mains and pipes and expended capital for that purpose:

And whereas by the Act of 1855 the share capital of the Company was fixed at twenty-five thousand pounds, and the Company were authorised to raise additional capital not exceeding eleven thousand pounds and to borrow on mortgage or bond any sum not exceeding nine thousand pounds:

And whereas the whole of the share capital both original and additional authorised by the Act of 1855 has been raised and fully paid up and the Company have converted eight thousand nine hundred and ninety pounds of their loan capital into share capital of the like amount the whole of which has been subscribed, and it is expedient that the capital of the Company should be increased:

And whereas the demand for gas in the district supplied by the Company has increased and is increasing and it is expedient that the Company be authorised to acquire further lands to extend their works:

And whereas it is expedient that the further powers and conditions herein-after contained should be granted to and imposed upon the Company:

And whereas the objects aforesaid 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

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

Short title.

1. This Act may be cited as the Hyde Gas Act, 1881.

Incorporation of general Acts.

2. The following Acts and parts of Acts (except so far as the same are expressly varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act (that is to say) :—

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 16.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 (except the provisions of those Acts with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares ;
The transfer or transmission of shares ;
The payment of subscriptions and the means of enforcing the payment of calls ;
The forfeiture of shares for nonpayment of calls ;
The remedies of creditors of the Company against the shareholders ;
The borrowing of money by the Company on mortgage or bond ;
The conversion of borrowed money into capital ;
The consolidation of shares into stock ;
The making of dividends ;
The giving of notices ; and
The provision to be made for affording access to a special Act by all parties interested ;

26 & 27 Vict. c. 118.
10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.

and Parts I. II. and III. of the Companies Clauses Act 1863 the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 (except where expressly varied by this Act) shall as and from the 1st day of January 1882 apply to the undertaking of the Company as if the same had been authorised by this Act and shall from and after that day be incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the expression "corporation" means the mayor aldermen and burgesses of the borough of Hyde in the county of Chester and the expression "town clerk" means the town clerk of that borough and the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated with this Act

shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to acquire additional lands.

4. The Company may by agreement purchase and hold or take on lease the land mentioned in Part II. of the schedule to this Act or any estate or interest therein and may also from time to time by agreement purchase or lease any other lands not exceeding in the whole five acres and the lands purchased by the Company under the authority of this Act shall be used only for the purposes of their undertaking.

Power to construct gasworks &c.

5. The Company may upon the lands described in Part II. of the schedule to this Act from time to time erect lay down provide maintain alter improve enlarge extend and renew or discontinue gasworks retorts gas-holders receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery approaches and other works apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor and all other products or residuum resulting from the manufacture of gas or from any materials employed therein and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Restriction on manufacture &c. of gas.

6. It shall not be lawful for the Company to manufacture gas or residual products except upon the lands described in the schedule to this Act.

Power to raise additional capital.

7. The Company may from time to time, raise by the creation of new shares or new stock in addition to any money which they have raised or are authorised to raise under and by virtue of the Act of 1855 any sum or sums of money not exceeding in the whole the sum of fifty-six thousand pounds. Such additional capital may be raised by means of new ordinary shares or new ordinary stock or new preference shares or new preference stock or partly by one mode and partly by the other as the Company from time to time think fit; but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale of any shares or stock sold by auction under the provisions of this Act shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be

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sufficient to produce including any premiums which may be obtained on the sale thereof the sum of fifty-six thousand pounds provided also that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid twenty thousand pounds or within any subsequent year ten thousand pounds.

If authorised capital for any year not raised the amount may be made up.

8. If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years they may in any subsequent year create and issue in addition to the amount prescribed for such year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid twenty thousand pounds in respect of the year following the passing of this Act and ten thousand pounds in respect of every subsequent year then expired.

New shares to be offered by auction or tender.

9. Notwithstanding anything in this Act contained, the Company shall when any shares or stock of the additional capital created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner.

When purchase money to be paid.

10. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale &c. of shares.

11. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and

notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the borough of Hyde. A.D. 1881.

When proprietor tenders same amount as any other person proprietor to be declared purchaser.

12. When the amount bidden or tendered by the proprietor of any shares or stock of the Company (in this Act referred to as a proprietor) for any shares or stock offered for sale by auction or by tender under the provisions of this Act is equal to the highest amount bidden or tendered for such last-mentioned shares or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such shares or stock.

Shares not sold by auction or by tender to be offered to shareholders.

13. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863. Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act except that the reserved price put upon such shares or stock may if the directors think fit be less than the nominal amount thereof.

Application of premium arising on issue of shares or stock.

14. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Limit of dividend on additional capital.

15. The Company shall not in any year except for the purpose of making up the deficiency of dividend in any former year or years pay out of their profits any larger dividend on the additional capital in shares or stock to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Dividends on different classes of

16. If in any half year the net moneys of the Company applicable to the payment of dividend be insufficient to pay the full

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shares &c. to be paid proportionately.

amount of the maximum rate of dividend on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Power to borrow.

17. In addition to all money which the Company are authorised to borrow by the Act of 1855, the Company may from time to time borrow on mortgage, in respect of the additional capital of fifty-six thousand pounds, by this Act authorised to be raised by shares or stock any sum not exceeding in the whole the sum of fourteen thousand pounds and the Company may as each sum of fourteen thousand pounds of such additional capital has been issued and accepted and one half thereof shall have been paid up borrow on mortgage in respect of such sum of fourteen thousand pounds a sum or sums not exceeding in the whole three thousand five hundred pounds but no part of any of the before-mentioned sum of three thousand five hundred pounds shall be borrowed until shares for so much of the portion of the additional capital as is to be raised by means of shares are issued and accepted and one half of such portion is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Conversion of borrowed money into capital.

18. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or otherwise or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act or any part thereof unless in either case all dividends upon the shares or stock so created whether ordinary or preferential,

are limited to a rate not exceeding five pounds per centum per annum. If the debenture stock or mortgages of the Company or if the ordinary shares or stock of the Company are or is at a premium all shares and stock to be created for the purpose of such conversion shall be offered for sale in the same manner as is by this Act prescribed with respect to the sale of such ordinary shares or stock and the several provisions of this Act with respect to additional capital to be raised by shares or stock (except the provision as to the limitation of dividend thereon) shall extend and apply mutatis mutandis to such first-mentioned shares and stock.

Appointment of a receiver.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Money raised by mortgage &c. to be borrowed by tender.

21. Before raising any money by mortgage or debenture stock under this Act the Company shall offer to borrow or issue the same by tender in such manner at such times and subject to such reasonable conditions as the Company shall from time to time determine and the intention to raise such money shall be advertised once in each of two consecutive weeks in one or more local newspapers circulating within the borough and the Company shall accept the tender with the lowest rate of interest or other the most favourable terms consistent with the conditions of the tender.

Application of moneys.

22. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes only of the Company.

Receipt clause in case of persons not sui juris.

23. If any money be payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Accounts may be made up half yearly.

24. Notwithstanding anything contained in the section 35 of the Gasworks Clauses Act 1871 the Company may make up and

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forward to the local authority half-yearly statements of accounts made up to the 30th day of June and the 31st day of December respectively instead of the annual statements mentioned in the said section: Provided nevertheless that the said half-yearly accounts shall be in the form as near as may be and contain the particulars specified in Schedule B. to the said Act annexed.

Power to take licenses.

25. Subject to the provisions of this Act the Company may (but only for the purposes of the Company within their limits of gas supply and not so as to acquire an exclusive right therein) contract for take and use any leave license or authority to work use exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture or distribution of gas or the conversion manufacture or utilisation of the products obtained from the manufacture of gas or the materials used therein.

Pressure of gas.

26. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch and from sunset to midnight not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Company of the time and place in which such testing shall be conducted.

Quality of gas.

27. The prescribed number of candles shall be sixteen.

Testing place.

28. Within six months after the passing of this Act a testing place shall be provided at some part of the existing works, and that or some other testing place provided for the purpose within the gasworks for the time being of the Company shall be the prescribed testing place. But when the corporation shall have provided a town hall or other proper building for the transaction of its municipal business the Company shall at their own cost at the request of the corporation provide and fit up in such hall or building all requisite apparatus for testing the gas and thereupon the place so fitted up shall be the prescribed testing place.

Burner.

29. The prescribed burner shall be Sugg's London Argand Burner No. 1 with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above or tails over the top of that glass a six-inch by two-inch chimney shall be used or any other burner and chimney approved for this purpose by the Board of Trade.

Maximum price of gas.

30. Notwithstanding anything contained in the Act of 1855, the maximum price of gas supplied by the Company to persons who shall burn the same by meter shall from the 1st day of January 1882 be at the rate of five shillings for one thousand cubic feet.

Power to corporation to appoint an auditor.

31. The corporation may from time to time appoint an auditor to inspect and examine the books and accounts of the Company for the purpose of verifying the accounts and returns furnished by the Company to the corporation under the provisions of the Gasworks Clauses Act 1871 and the Company shall afford all reasonable facilities for such inspection and examination.

Security for payment of gas rents.

32. Any person having or being entitled to have a supply of gas from the Company shall if and when so required by the Company and before he is entitled to have any service pipes or meter provided and fixed or to have a supply of gas give the Company such security for the payment of one year's rent or charge for gas or meter to be supplied to him as he and the Company may agree upon or as in default of agreement shall be determined in the manner provided by the Gasworks Clauses Act 1871 and the Company shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply unless such person shall have failed for seven days after the same shall have been demanded by the Company to give them such security.

Company to pay interest on money deposited as security.

33. If any person is required by the Company to give to them security as herein-before mentioned the Company shall in the event of the security being a sum of money deposited with the Company pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security during such time as the said money shall be so deposited and such interest shall be payable yearly subject however to the right of the Company to set off against the same any money due to the Company from such person.

Notice to Company to discontinue supply.

34. No notice to the Company to discontinue the use of any gas supplied by them shall be of any effect unless it be in writing and be left at the principal office for the time being of the Company.

Liability to gas rent &c. not to

35. No justice of the peace or judge of any county court or quarter sessions shall be disqualified from acting in the execution

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disqualify justices &c.

of this Act by reason of his being a creditor of the Company or by reason of his being liable to the payment of any gas rent meter rent rate or other charge under this Act.

Contracts not to disqualify directors.

36. Any contract to be made with any local or other board corporation or public body under this Act shall not disqualify any of the members of any such board corporation or public body for the office of director of the Company but no director being a member of any such board corporation or public body shall vote on any question as to any contract with such board corporation or public body.

Expenses of Act.

37. The costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Company.

THE SCHEDULE.

Part I.

The existing Gas Lands of the Company.

All that piece of land situated in the township of Hyde in the parish of Stockport in the county of Chester bounded on the north-east and east and south-east sides by the Peak Forest Canal and a road skirting the same on the south-west side by Raglan Street and on the north-west side by land belonging to or reputed to belong to Alexander Thornely Hibbert and Robert Hibbert and together containing 10,080 superficial square yards or thereabouts on which piece of land the gasworks of the Company now stand.

Part II.

The Gas Lands authorised by this Act.

All that piece of land situate in the township of Hyde in the parish of Stockport and county of Chester adjoining the existing gasworks and lands of the Company and bounded on or towards the north-west for a distance of 165 feet measured from Raglan Street by a narrow slip of land 18 feet in width belonging or reputed to belong to Alexander Thornely Hibbert and Robert Hibbert and used or intended to be used by them as a road to their cotton factory on or towards the north-east for a distance of 357 feet by land belonging or reputed to belong to the said Alexander Thornely Hibbert and Robert Hibbert on or towards the south-east for a distance of 96 feet and on or towards the south-west for a distance of 75 feet and further on or towards the south-east for a distance of 69 feet by the said gasworks and lands and further on or towards the south-west for a distance of 282 feet by Raglan Street and which piece of land contains 5,970 superficial square yards or thereabouts.

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