ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. i.

An Act for better supplying with Gas the Town of *Middleton* and the Neighbourhood thereof in the County Palatine of *Lancaster*.

[12th *May* 1854.]

WHEREAS by an Act passed in the Ninth Year of the Reign of Her present Majesty, and intituled *An Act for lighting with Gas the Town of* Middleton *and its Vicinity in the County of* Lancaster, a Company was incorporated by the Name of "The *Middleton* Gas Company:" And whereas the said Company have, as by such Act authorized, raised Ten thousand Pounds by Shares: And whereas the said Company have proceeded to carry the said Act into execution, and have established Works, and have for some Time past supplied the said Town of *Middleton* and the Neighbourhood thereof with Gas, and the said Company have expended the whole of the said Capital or Sum of Ten thousand Pounds on the said Undertaking: And whereas the Population and Trade of the said Town and Neighbourhood have of late Years greatly increased and are still increasing, and it is expedient that the Powers of the said Act should be enlarged, and that the said Company should be empowered to raise a further Sum of Money, for the Purpose of enabling them to improve

9 & 10 Vict. c. viii.

improve and extend their Works: And whereas the Purposes aforesaid might be more effectually accomplished if the said recited Act were repealed, and further and other Powers were granted instead thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your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Recited Act repealed.

I. On the passing of this Act the said recited Act shall be and the same is hereby repealed, and the Company thereby incorporated shall be and is hereby dissolved.

"The Company."

II. The Expression "the Company," in this Act, shall mean the Company by this Act incorporated.

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

III. 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 Company to take Land without Consent.

IV. 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 Expressions in the General Acts.

V. 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 Expression "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; 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.

VI. In

VI. In citing this Act it shall be sufficient to use the Expression "The *Middleton* Gas Act, 1854." Short Title.

VII. The Limits of this Act shall extend to and include the Town of *Middleton* and the Townships of *Middleton* and *Tonge* in the County of *Lancaster*. Limits of Act.

VIII. 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 Purpose of making and supplying Gas within the Limits of this Act, and for using and making Gasworks for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions in this Act and the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Middleton* Gas Company," and by that Name shall be a Body Corporate, with perpetual Succession, and may sue and be sued, and shall have a Common Seal, and Powers to purchase or lease and hold and sell Lands for the Purposes of the Undertaking. Company incorporated.

IX. Provided always, That it shall not be lawful for the Company to purchase or hold for the Purposes of the Undertaking at any One Time more than Seven Acres of Land. Land to be held by the Company limited

X. The Company shall remain and be seised and possessed of and entitled to all the Gasworks, Gasometers, Retorts, Apparatus, Works and Conveniences, Lands, Buildings, Estates, Moneys, Property, Choses in Action, Effects, Claims, and Demands whatsoever of or to which the Company hereby dissolved were, by virtue of the recited Act or otherwise howsoever, immediately before the passing of this Act, seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act had not passed, and shall stand in the Place of the said Company the Act relating to which is hereby repealed, and shall be liable to all Claims and Demands whatsoever, at Law or in Equity, to which the said last-mentioned Company were or would have been liable. Property of dissolve Company to be vested in new Company.

XI. The several Clauses and Provisions relating to the Company hereby dissolved contained in any Act or Acts other than the recited Act, and which immediately before the passing of this Act were in force, shall apply, on and from the passing of this Act, to the Company, their Directors, Officers, and Servants, and shall remain and be in full Force accordingly, and they respectively may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and Company to be entitled to Rights possessed by dissolved Company under other Acts.

and enjoy, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever as if this Act had not passed, and as they respectively under and by virtue of the same might be entitled to, or might have, exercise, or enjoy.

Conveyances, &c. to remain in force.

XII. All Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act made, done, entered into, executed, or instituted under or by virtue of the recited Act, 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.

XIII. Any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company hereby dissolved before the passing 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 passing 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.

Gas Rates due to dissolved Company to be payable to new Company.

XIV. All Gas Rates and Rents which immediately before the passing of this Act are due and payable or accruing to the Company hereby dissolved 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 dissolved Company to be paid to and by new Company.

XV. All Persons who immediately before the passing of this Act owe any Sum of Money to the Company hereby dissolved, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to 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 hereby dissolved, or for the Payment of which they 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.

Resolutions, &c. to remain in force.

XVI. All Resolutions, Orders, Notices, and Proceedings of the Company hereby dissolved, and the Directors thereof, made and taken

taken before the passing of this Act, and all Books, Accounts, Documents, and Writings whatsoever of or relating to the said Company shall, for the Purposes of this Act, continue of full Force and Effect as if this Act had not passed.

Books to be Evidence.

XVII. All Books, Certificates, Writings, and Documents by the said recited Act directed or authorized to be kept or made, and which, if this Act had not been passed, would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers to continue.

XVIII. Every Officer and Servant appointed by virtue of or acting under the Authority of the recited 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 he 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 had been appointed under this Act.

Capital of the Company.

XIX. Subject to its Augmentation as herein-after mentioned, the Capital of the Company shall be Ten thousand Pounds, and shall be divided into One thousand Shares of Ten Pounds each.

Vesting in the Proprietors of the dissolved Company same Number of Shares as now held by them.

XX. Every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to any Share or Shares in the said Capital of the Company hereby dissolved shall in respect thereof be possessed of or entitled to the same Number of Shares of equal Amount in the Capital of the Company upon each of which Shares the full Amount of Ten Pounds shall be deemed to have been paid up, and such Shares are hereby vested in such Persons and Corporations accordingly, and 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 new Shares.

XXI. 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 Shares created by this Act in substitution of such former Shares; and it shall not be necessary or required 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.

XXII. All

Shares to be held upon the same Trusts.

XXII. 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 Shares (for which the said first-mentioned Shares are or shall under this Act be substituted) were subject and liable to immediately before the passing of this Act.

Power to raise additional Capital by Creation of new Shares.

XXIII. 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 Shares any further Sum or Sums that they may think proper, not exceeding in the whole the Sum of Twenty thousand Pounds, and to attach such Conditions and Agreements with respect to such Shares, or any of them, as may be agreed upon at such Meeting or Meetings; Provided always, that no guaranteed or preferential Dividend upon any such Shares shall exceed Six Pounds *per Centum per Annum*.

Additional Capital to be offered in first place to existing Shareholders

XXIV. When any such Shares are created they shall be offered to the then Proprietor 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.

XXV. 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 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.

XXVI. 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

XXVII. 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

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.

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

Calls.

XXVIII. Two 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.

Power to borrow on Mortgage.

XXIX. When and so soon as the whole of the 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 there be not owing by the Company on Mortgage or Bond at any One Time any greater Sum than One Third Part of the paid-up Capital of the Company for the Time being.

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.

Priority of existing Mortgages.

XXXI. All Mortgages or Bonds granted by the Company, and in force on the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages and Bonds granted under this Act.

Number and Qualification of Directors.

XXXII. Subject to the Provisions herein contained for increasing or reducing the Number of Directors, the Number of Directors of the Company shall be Eight, and the Qualification of a Director shall be the Possession by him in his own Right of Five Shares in the Undertaking.

Power to reduce the Number of Directors.

XXXIII. It shall be lawful for the Company by Vote of any General Meeting from Time to Time to reduce the Number of Directors to any Number being not less than Six

First Directors.

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

Retirement and Election of Directors.

XXXV. 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 Proprietors present, personally or by Proxy, shall elect a new Body of Directors, the several Persons who immediately before such Meeting shall be Directors being eligible to be Members of such new Body.

Quorum.

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

First and other Meetings.

XXXVII. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* and *August* in each Year.

Number of Proprietors by whom Extraordinary Meetings may be called.

XXXVIII. The Number of Proprietors on whose Requisition an Extraordinary Meeting of the Company may be required to be convened shall be Seven or more Proprietors holding in the aggregate not less than Five hundred Pounds in the Capital of the Company.

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.

Power to Company 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.

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 Five Shillings and Sixpence *per* Thousand Cubic Feet.

XLIII. All

Future Pipes to be distinguished.

XLIII. All Pipes which shall be hereafter 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 the Pipes of any other Company or Person supplying Gas or Water within the same Limits.

Power to recover Rent for Gas and Fittings under 20*l.*

XLIV. 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.

Expenses of Act.

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

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