ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxix.

An Act for better lighting with Gas the Town of *Saint Helen's*, the Hamlet of *Hardshaw-cum-Windle*, and the several Townships of *Windle*, *Parr*, *Eccleston*, and *Sutton*, all in the Parish of *Prescot* in the County Palatine of *Lancaster*.

[17th *June* 1852.]

WHEREAS by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, and intituled *An Act for lighting with Gas the Town of* Saint Helen's, *the Hamlet of* Hardshaw-cum-Windle, *and the several Townships of* Windle, Parr, Eccleston, *and* Sutton, *all in the Parish of* Prescot *in the County Palatine of* Lancaster, a Company was incorporated by the Name of "The *Saint Helen's* Gaslight Company:" And whereas the said Company have, as by such Act authorized, raised Six thousand Pounds by Shares and One thousand five hundred Pounds by Mortgage: 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 *Saint Helen's* and the Neighbourhood thereof with Gas: And whereas the said Company have expended on the said Works, not only the

2 & 3 W. 4. c. 12.

whole of the said Sums, amounting together to Seven thousand and five hundred Pounds, but also a further Sum of One thousand two hundred and ten Pounds Twelve Shillings and Sixpence, or thereabouts, out of the Profits of their Undertaking: And whereas the said Company have borrowed under the Powers of the said Act and now owe the Sum of One thousand five hundred Pounds: 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 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their Works: And whereas the Purposes aforesaid might be more effectually accomplished if the said recited Act were repealed, and further and other Powers were granted instead thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your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. That 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, and that this Act shall thereafter be put into execution for the Purposes herein-after contained.

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

II. That 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 Lands without Consent.

III. 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.

"Quarter Sessions."

IV. That the Expression "Quarter Sessions" in the said incorporated Acts shall be construed to mean the Quarter Sessions for the County of *Lancaster* holden at *Kirkdale* in the said County.

Short Title.

V. That in citing this Act in Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Saint Helen's* Gas Act, 1852."

VI. That

Limits of Act.

VI. That the Limits of this Act shall extend to and include the Town of *Saint Helen's*, the Hamlet of *Hardshaw-cum-Windle*, and also the Townships of *Windle*, *Parr*, *Eccleston*, and *Sutton*, all in the Parish of *Prescot* in the County of *Lancaster*.

Company incorporated.

VII. That the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company hereby dissolved, and all other Persons and Corporations who have subscribed or shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the 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 *Saint Helen's* 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 and hold and sell Lands for the Purposes of the said Undertaking.

Land to be held by the Company limited.

VIII. Provided always, That it shall not be lawful for the Company to purchase or hold for the Purposes of the said Undertaking at any One Time more than Twelve Acres of Land.

Works vested in the Company.

IX. That from and immediately after the passing of this Act all the Works, Pipes, Tanks, Retorts, Gas Meters, and other Apparatus, Roads, Houses, and other Buildings, and all Lands, Tenements, Hereditaments, Easements, Rights, Powers, and Privileges whatsoever of or to which the Company hereby dissolved, or any Persons in trust for them, were or are seised, possessed, or entitled, at Law or in Equity, immediately before the passing of this Act, and all Rates and Monies due or accruing to, and all Securities, Books, Accounts, Documents, Choses in Action, Effects, and Property belonging to the said Company hereby dissolved, and all their Privileges, Rights, Titles, Estate, or Interest therein, at the Time of the passing of this Act, shall be and the same are hereby well and effectually vested in and shall belong to the *Saint Helen's* Gas Company hereby incorporated, for their absolute Use and Benefit, to hold to them and their Successors for the Purposes of this Act, and for such and the same Estates, Terms, and other Interests as under the recited Act the Company hereby dissolved, or any Persons in trust for them, immediately before the passing of this Act, had or would have continued to have had therein if the said recited Act had not been repealed, subject nevertheless to such Charges, Interests, and Liabilities as at the Time of the passing of this Act the same Premises were and are respectively subject to.

X. That

Conveyances, &c. under former Act valid under this Act.

X. That all Conveyances, Assurances, Leases, Demises, Grants, Mortgages, Bonds, Covenants, Agreements, Contracts, Awards, Securities, and other Instruments made, executed, or entered into by or between any Person or Persons and the Company hereby dissolved, or to, with, in favour of, or by or for any such Person or Persons and the Company hereby dissolved respectively, under or by virtue of the recited Act, and all Actions, Suits, Prosecutions, and other Proceedings commenced or pending under or by virtue of the recited Act by or against the Company hereby dissolved, and any Provision relating to the said last-mentioned Company in any other Act of Parliament than that which is hereby repealed, shall not become invalidated, made void, discharged, abated, discontinued, prejudiced, or affected by the Repeal of the recited Act, but the said several Matters aforesaid shall on the contrary continue and remain in full Force and Effect; and all Monies due to, and all Property and all Choses in Action vested in, the Company hereby dissolved by virtue of the recited Act shall immediately on the Commencement of this Act become vested in the Company incorporated by this Act, and such last-mentioned Company may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under this Act, and they shall be liable to all the Debts, Liabilities, and Engagements to which the Company hereby dissolved were liable at the Time of the Repeal of the said recited Act.

Actions, &c. not to abate.

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

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

Officers under former Act to account.

XII. That all Officers and Persons who on the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects under or by virtue of any of the Provisions of the recited Act shall be liable to account for and to deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed, and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects, under the Provisions of this Act.

Present Officers to continue until removed.

XIII. That all Clerks, Officers, and Persons appointed under the said recited Act shall continue in their respective Offices and Employments, according to the Terms of their Appointments, until removed therefrom by the Company; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and all such Clerks, Officers, and Persons, and all Sureties, shall be liable to the

same Penalties, Obligations, Restrictions, and Regulations, as if such Officers and Persons had been appointed and such Sureties had become bound under this Act.

Capital of the Company.

XIV. That the Capital of the Company shall be Forty-six thousand Pounds, and shall be divided into Four thousand six hundred Shares of the nominal Value of Ten Pounds each.

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

Holders of Shares in dissolved Company entitled to the same in the new Company.

XV. And whereas the Share Capital of the Company hereby dissolved has been long since paid up, and is divided into Six hundred Shares of Ten Pounds each: Be it enacted, That 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.

XVI. That 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.

Shares to be held upon the same Trusts.

XVII. That 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.

XVIII. That it shall be lawful for the Company from Time to Time, with the Consent of Four Fifths of the Votes of the Shareholders present personally or by Proxy at any General Meeting specially convened for the Purpose, to raise by the Creation of new Shares,

Shares, in addition to the said existing Capital of Six thousand Pounds, any further Sum or Sums of Money for the Purposes of the Company not exceeding in the whole the Sum of Forty thousand Pounds.

New Shares to be offered in the first place to existing Shareholders.

XIX. That 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.

XX. That 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.

XXI. That 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.

Shareholders may be permitted to take new Shares after Time specified, in certain Cases.

XXII. 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.

Credit to be given to existing Shareholders for Payments out of Revenue.

XXIII. And whereas the before-mentioned Sum of One thousand two hundred and ten Pounds Twelve Shillings and Sixpence, being the Amount of Revenue which the Company hereby dissolved have expended upon their Works, represents about the Sum of Two Pounds upon each of the existing Shares of the said Company, and it is reasonable

reasonable that the existing Shareholders should be secured some Advantage in respect of the Advances so made by them: Be it enacted, That such of the existing Proprietors of the said Company as shall accept any of the said new Shares shall have carried to their Credit in the Books of the Company in respect of such last-mentioned Shares the Sum of Two Pounds for each Share held by such respective Proprietors at the Time of the passing of this Act.

Calls. XXIV. That 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 that Four 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.

As to reborrowing. XXV. That if the Company shall pay off any Sums owing by them on Mortgage it shall be lawful for them again to borrow the Sum so paid off, and so from Time to Time as often as Occasion shall require.

Application of Monies. XXVI. That all the Monies to be raised under the Provisions of this Act, whether by means of Shares or by Exercise of the Powers of borrowing, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Ordinary Meetings. XXVII. That the First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings shall be held yearly in the Month of *April*, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held in the Town of *St. Helen's*, or at the Company's Works.

Quorum of Meetings. XXVIII. That the Quorum of every Meeting of the Company shall be Seven Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Number of Shareholders for convening Extraordinary Meetings. XXIX. That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than Five, and such Shareholders shall hold in the aggregate not less than One thousand Pounds in the Capital of the Company.

Number of Directors. XXX. That, subject to the Provisions herein contained for reducing the Number of Directors, the Number of the Directors of the Company shall be Ten, and the Qualification of a Director shall be the Possession by him in his own Right of Five Shares in the Undertaking.

XXXI. That

Power to reduce the Number of Directors.

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

First Directors.

XXXII. That the Persons who immediately before the passing of this Act were the Members of the Committee of the Company hereby dissolved shall be the First Directors of the Company.

Minute to be made of the Attendance of Directors.

XXXIII. That an Entry shall be made in the Company's Books of the Names of the Directors attending at each Meeting of Directors, and such Books shall be laid before the Ordinary Yearly Meeting of the Shareholders on the Election of Directors.

Quorum of Directors.

XXXIV. That a Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XXXV. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Five.

Company may remunerate Directors.

XXXVI. That it shall be lawful for the Company at any of the General Meetings to fix and determine what Remuneration (if any), not exceeding One hundred Pounds *per Annum*, shall be made to the Directors for the Time being of the Company for their Time and Trouble in conducting the Affairs of the Company, and to direct the Amount of such Remuneration to be paid to such Directors out of the Funds of the Company.

Power to construct Gasworks.

XXXVII. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to make, construct, lay down, 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.

Company empowered to lay Pipes for lighting Buildings.

XXXVIII. That, 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

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.

Company may require Gas to be consumed by by Meter.

XXXIX. That 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.

Power of the Company to contract for lighting Streets, &c.

XL. That the Company may from Time to Time enter into any Contract with any Person for lighting or supplying with Gas any public or private Building, or for providing any Person with Pipes, Burners, Meters, and Lamps, and for the Repair thereof, and may also from Time to Time enter into any Contract with the Commissioners, Turnpike Road Trustees, Highway Surveyors, or other Persons having the Control of the Streets, Turnpike Roads, or Highways, or of the lighting and watching thereof, within the Limits of this Act, for lighting the same or any of them with Gas, and for providing such Commissioners, Trustees, Surveyors, or Persons with Lamps, Lamp Posts, Burners, and Pipes for such Purpose, and for the Repairs thereof, in such Manner and upon such Terms as shall be agreed upon between the Company and the said Commissioners, Trustees, Surveyors, or other Persons.

Maximum Price of Gas supplied by Meter.

XLI. That from and after the First Day of *October* which will be in the Year One thousand eight hundred and fifty-three it shall not be lawful for the Company to demand and receive for Gas supplied by them by Meter, either for public or private lighting, any Sum exceeding the Sum of Five Shillings for every One thousand Cubic Feet of Gas so supplied by Meter.

No Gasometer to be erected near the Stations, &c. of the London and North-western Railway Company;

XLII. That no Gasometer, or Buildings used or necessary for making or supplying Gas, Hydrogen, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, or Essential Oil shall be erected, built, or established within the Distance of One hundred Yards from the present Passenger and Goods Stations on the Line of the *London and North-western* Railway, without the Consent of the *London and North-western* Company for that Purpose obtained under their Common Seal.

nor their Property to be interfered with, without Consent.

XLIII. That, notwithstanding anything in this Act contained, it shall not be lawful for the said *St. Helen's* Gaslight Company, either permanently or temporarily, to enter upon, excavate, bore under, take, appropriate, or use any of the Buildings, Lands, Stations, or Property whatsoever of or belonging to the *London and North-western* Railway Company,

Company, or in any Manner to alter, vary, or interfere with the said *London and North-western* Railway or the Works appertaining thereto, without the Consent of the said *London and North-western* Railway Company under their Common Seal first had and obtained for any such Purpose from Time to Time.

Saving the Rights of the Company.

XLIV. That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *London and North-western* Railway Company.

No Gasometer to be erected near the Stations, &c. of the St. Helen's Canal and Railway Company;

XLV. That no Gasometer, or Buildings used or necessary for making or supplying Gas, Hydrogen, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, or Essential Oil shall be erected, built, or established within the Distance of One hundred Yards from the present Passenger Stations on the Line of the said *Saint Helen's* Canal and Railway, without the Consent of the *St. Helen's* Canal and Railway Company for that Purpose obtained under their Common Seal.

nor their Property to be interfered with, without Consent.

XLVI. That, notwithstanding anything in this Act contained, it shall not be lawful for the said *St. Helen's* Gaslight Company, either permanently or temporarily, to enter upon, excavate, bore under, take, appropriate, or use any of the Buildings, Lands, Stations, or Property whatsoever of or belonging to the *St. Helen's* Canal and Railway Company, or in any Manner to alter, vary, or interfere with the said *St. Helen's* Canal and Railway, or the Works appertaining thereto, without the Consent of the said *St. Helen's* Canal and Railway Company under their Common Seal first had and obtained for any such Purpose from Time to Time.

Saving Rights of certain Companies.

XLVII. That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *St. Helen's* Canal and Railway Company, or in the *Saint Helen's* Improvement Commissioners.

Not to affect Rights of Lords of Manors.

XLVIII. That nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice, destroy, or affect any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, or lawful Customs belonging, due, or in anywise appertaining to the Lord or Lords of the Manors or reputed Manors of *Hardshaw*, *Windle*, *Parr*, *Eccleston*, and *Sutton* aforesaid respectively, 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 by the said Lord or Lords of the said Manors respectively in

in as full and ample Manner to all Intents and Purposes as the same were enjoyed before the passing of this Act, or as if this Act had not been passed.

Expenses of Act.

XLIX. That 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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