ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. xliv.

An Act to amend and extend the Provisions of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for incorporating the* Warrington *Gaslight Company.*

[21st *June* 1847.]

WHEREAS an Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for incorporating the* Warrington *Gaslight Company*, whereby a Company was incorporated called "The *Warrington* Gaslight and Coke Company," and Powers were conferred upon such Company to purchase Lands by Agreement, and to construct and maintain all necessary Works for the Purpose of supplying with Gas the Town of *Warrington*, the adjacent Villages of *Latchford* and *Appleton*, and other the Suburbs, Liberties, and Precincts of the said Town: And whereas it is expedient that the Limits of the said Act should be extended, and the said Company authorized to supply Gas within all or any of the Places herein-after specified; (that is to say,)

3 G. 4. c. 35.

say,) the Town and Borough of *Warrington* in the Counties of *Lancaster* and *Chester*, and the several Townships of *Warrington*, *Poulton-with-Fearnhead*, *Winwick-with-Hulme*, *Great Sankey*, and *Burton Wood* in the County of *Lancaster*, and *Latchford*, *Grappenhall*, and *Appleton* otherwise *Hull-and-Appleton* in the County of *Chester*, or any One or more of such Townships, and to raise Money and do all such other Acts as may be necessary for the Purpose; but the several 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, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed.

Recited Act repealed.

Re-incorporating Company.

II. And be it enacted, That the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company hereby dissolved, their Executors, Administrators, Successors, and Assigns, shall be reunited into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for making Gasworks for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions in this Act and the Acts incorporated herewith contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of the "*Warrington* Gaslight and Coke Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking.

Existing Works vested in new Company.

III. And be it enacted, That all Gasometers, Retorts, Receivers, Cisterns, Buildings, Lands, Mains, Pipes, Engines, Machines, and Real and Personal Estate and Effects whatsoever, which immediately before the passing of this Act were vested in or belonged to the Company hereby dissolved, shall be vested in and belong to the Company hereby incorporated, in as full and ample a Manner, and subject to all such and the same Debts and Liabilities, as they would have remained vested in and belonged to the Company hereby dissolved if the said hereby repealed Act had not been repealed.

Repeal of Act of 3 G. 4. c. 35. not to affect Purchases, &c.

IV. And be it enacted, That the Repeal of the said Act passed in the Third Year of the Reign of King *George* the Fourth shall not annul or otherwise prejudice or affect any Purchase, Sale, Conveyance, Grant, Contract, Mortgage, Security, Act, Matter, or Thing whatsoever, heretofore made, done, committed, or executed under or by virtue or in pursuance of the said repealed Act, but all such Purchases, Sales, Conveyances, Grants, Contracts, Mortgages, Securities, Acts, Matters, and Things shall be and the same are hereby declared to be as good, valid, and effectual, to all Intents and Purposes, in

favour

favour of or against the Company hereby incorporated, as the same respectively would have been in favour of or against the Company hereby dissolved if the said Act had not been repealed.

Actions not to abate.

V. And be it enacted, That the Repeal of the said Act shall not cause an Abatement of any Action or Suit at Law or in Equity which, at the Time of the passing of this Act was pending between the Company hereby dissolved and any other Person or Corporation, and shall not in any other Manner prejudice or affect the Rights or Remedies which immediately before the passing of this Act the said Company had against any other Person or Corporation, or which any other Person or Corporation had against the said Company, for or in respect of any Debt, Contract, Liability, Penalty, Forfeiture, Trespass, Act, Matter, or Thing whatsoever contracted, incurred, committed, or done, or omitted to be done, but every such Action and Suit may be proceeded with, and every such Right and Remedy enforced by, for, in favour of or against the Company by this Act incorporated, in like Manner in all respects as the same respectively could have been proceeded with or enforced by, for, in favour of or against the Company hereby dissolved if the said Act had not been repealed.

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

VI. And be it enacted, That the several Acts of Parliament following, that is to say, the "Companies Clauses Consolidation Act, 1845," and the "Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, and be applicable to the Company hereby incorporated, and to the Works and Property of such Company.

Quarter Sessions.

VII. And be it enacted, That the Expression "Quarter Sessions" in the said incorporated Acts shall be construed to mean the Quarter Sessions for the County of *Lancaster* holden by Adjournment at *Kirkdale* in and for the said County of *Lancaster*.

Short Title.

VIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Warrington* Gas Act, 1847."

8 & 9 Vict. c. 18. incorporated with this Act.

IX. And be it enacted, That the "Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act; and the Provisions of the said "Lands Clauses Consolidation Act" shall be applicable to the Undertaking of the Company hereby incorporated, except as herein-after mentioned.

Compulsory Powers not to be exercised.

X. Provided always, and be it enacted, That nothing in the said "Lands Clauses Consolidation Act" contained shall authorize the Company hereby incorporated to take or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

XI. Pro-

Company not to hold more than Five Acres.

XI. Provided always, and be it enacted, That it shall not be lawful for the Company to purchase or hold for the Purposes of their Undertaking more than Five Acres of Land.

Limits of Act.

XII. And be it enacted, That the Limits of this Act shall extend to and include the Town and Borough of *Warrington* in the Counties of *Lancaster* and *Chester*, and the Townships of *Warrington*, *Poulton-with-Fearnhead*, *Winwick-with-Hulme*, *Great Sankey*, and *Burton Wood* in the County of *Lancaster*, and *Latchford*, *Grappenhall*, and *Appleton* otherwise *Hull-and-Appleton* in the County of *Chester*.

Amount of Capital.

XIII. And be it enacted, That the Capital of the Company shall be Thirty-six thousand Pounds.

Shares.

XIV. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be One thousand eight hundred; and the Amount of each Share shall be Twenty Pounds.

Distribution of old Capital.

XV. And whereas the present Capital of the Company consists of Nine hundred Shares of the nominal Value of Twenty Pounds each; be it enacted, That every Person and Corporation who immediately before the passing of this Act was a Proprietor of One or more Shares in the Capital of the said Company shall in lieu thereof, for each such Share, be entitled to One of the Shares herein-before authorized to be created; and such Shares shall be subject and liable to the same Trusts, Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, as the original Shares in lieu of which they were respectively substituted were subject or liable to immediately before the passing of this Act, and are hereby vested in such Persons and Corporations accordingly, and so as to give Effect to and not revoke any testamentary or other Disposition affecting such original Shares or any of them.

Calls considered to have been paid.

XVI. And be it enacted, That such new Shares so vested in such Persons and Corporations as aforesaid shall be considered as Shares in respect of which all Calls have been paid.

Remaining Capital.

XVII. And be it enacted, That it shall be lawful for the said Company to issue the remaining Nine hundred Shares by this Act authorized to be created upon such Terms generally and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose.

Calls.

XVIII. Provided always, and be it enacted, That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and that Four Tenths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share, and that

that Three Months at the least shall intervene between successive Calls.

Number and Qualification of Directors.

XIX. And be it enacted, That (subject to the Provisions herein contained for increasing or reducing the Number of Directors) the Number of Directors shall be Nine; and the Qualification of a Director shall be the Possession in his own Right of Five Shares in the Undertaking.

Power to vary the Number of Directors.

XX. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors of the Company; but the whole Number of Directors, after such an Increase or Reduction as aforesaid, shall not be greater than Fifteen nor less than Seven.

First Directors.

XXI. And be it enacted, That *Richard Harrison*, *John Hodgson*, *Benjamin Pierpoint*, *William Beaumont*, *William Allcard*, the Reverend *Thomas Lowe*, the Reverend *John Molyneux*, *James Eaton*, and *William Stretch* shall be the first Directors of the Company, and that Three shall be a Quorum.

Company may remunerate Directors.

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

General Meetings.

XXIII. And be it enacted, That the First General Meeting of the Company shall be held within One Month after the passing of this Act, and the future General Meetings shall be held in the Months of *January* and *July* in each Year.

Quorum of General Meetings.

XXIV. And be it enacted, That the Quorum for any General Meeting of the Company shall be Seven Shareholders holding in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Shareholders may convene Extraordinary Meetings.

XXV. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Ten Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Scale of Voting.

XXVI. And be it enacted, That the Scale according to which Shareholders may vote in respect of their Shares shall be as follows; (that is to say,)

For One Share or more, but not exceeding Ten, One Vote; and no Proprietor shall have more than Ten Votes.

Committees of Directors.

XXVII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Five, and the Quorum of such Committees shall be Three.

Power to Undertakers to construct Gasworks, &c.

XXVIII. And be it enacted, 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 construct and maintain such Gasworks and Apparatus, and such Buildings, with 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 for supplying the Inhabitants within the Limits of this Act with Gas, and to supply such Gas upon such Terms as shall be agreed upon between the Company and the Persons supplied therewith, and to sell and dispose of, or manufacture into or otherwise convert into disposable Subjects, the Coke and other Residuum arising from the Materials used in the Manufacture of Gas, in such Manner as the Company may think proper.

Service Pipes to be fully charged with Gas.

XXIX. And be it enacted, That the Branch or Service Pipes which shall be put down by the said Company for lighting the Streets, Lanes, Passages, and other public Places of the said Town and Villages, under any Contract or Agreement with the Commissioners appointed or to be appointed under an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for paving and improving the Town of* Warrington *in the County of* Lancaster, *and for building a new Bridewell in the said Town*, shall be kept fully charged with Gas, and the Stopcocks shall be so formed and turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

53 G. 3. c. 118.

Penalty on Company for conveying Washings into any River, Stream, &c.

XXX. Provided always, and be it enacted, That nothing in this Act contained shall be held or construed to authorize the said Company at any Time to drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatever which shall arise or be produced in the Prosecution of the Works of the said Company, or in the Process of obtaining the said Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or to do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted.

Penalty on Gas escaping from the Pipes under the River Mersey.

XXXI. And whereas the Company incorporated by the said recited "*Warrington* Gas Act" were authorized to lay Pipes under or across the Bed of the River *Mersey*, subject to the Provisions in the said Act and herein-after contained, and it may hereafter be requisite for the

the Purposes of this Act to carry Pipes under or across the Bed of the said River; be it enacted, That whenever any Gas shall be found to escape from any Pipe or Pipes laid or to be laid under or across the Bed of the said River *Mersey*, the said Gas Company shall, at their own Expence, immediately after receiving Notice, by Parol or in Writing, (to be left or given at their Office or usual Place of transacting Business,) of such Escape of Gas, from any Person or Persons whomsoever, cause such Pipe or Pipes to be taken up and amended, effectually to stop and prevent such Gas from escaping; and in case the said Gas Company shall not, within Twenty-four Hours after such Notice, by Parol or in Writing, being given of any such Escape of Gas, effectually prevent such Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Twenty Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which such Gas shall be suffered to escape as aforesaid, which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, on Conviction before any One or more Justice or Justices of the Peace for the County of *Lancaster* or *Chester* (not being a Member or Members of the said Gas Company), as the Case may require, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Gas Company, by the Warrant of such Justice or Justices, to be granted in the like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered from the said Gas Company.

Position of Water Pipes with reference to Gas Pipes.

XXXII. And be it enacted, That every Main and other Pipe which shall hereafter be laid for the Conveyance of Water within the Limits of this Act shall be laid at the greatest practicable Distance, and if the Width of the Carriageway will admit thereof, and it be in other respects practicable, at the Distance of Four Feet at least from the nearest Part of any Main or other Pipe which shall have been then laid down by the said Company for the Conveyance of Gas within the Limits of this Act, except where it shall be necessary to lay the Water Pipe across any such Gas Pipe, in which Case such Water Pipe shall be laid under the Gas Pipe at the greatest practicable Distance therefrom, and so that in no Case shall there be less than Six Inches of Space between the one Set of Pipes and the other, where the same shall be practicable, and that such Interval shall be filled in with well-tempered Earth or Clay.

Owner of Water Pipe to forfeit Amount of Penalty and Costs incurred by Company for Contamina-

XXXIII. And be it further enacted, That if by reason or in consequence of any Water Pipe having been laid down contrary to the Provision aforesaid any Water passing through such Pipe shall be fouled or contaminated by the Gas of the said Company, and thereby the said Company shall have incurred and paid any Penalty or Penalties, the Person or Corporation who shall have laid such Water Pipe or to whom such Water Pipe shall belong shall forfeit and pay

tion of Water.

pay to the said Company the full Amount of every such Penalty, and all Costs and Expences incurred by the said Company in and about the Recovery thereof, and in ascertaining and proving that such Water Pipe had been laid contrary to the Provisions of this Act; and the Amount of such Penalty, Costs and Expences, may be recovered by the said Company against such Person or Corporation in like Manner as the Penalty or Penalties was or were or might have been recovered from the said Company, if such Penalty or Penalties, Costs and Expences, shall not together exceed the Sum of Twenty Pounds, and if they shall exceed the Sum of Twenty Pounds then by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Nothing to exempt Company from Penalties incurred for Neglect.

XXXIV. Provided always, and be it enacted, That nothing hereinbefore contained shall be held or construed to exempt the said Company from using all due Diligence to stop any Escape of Gas from their Pipes; and no Penalty incurred or paid by them for Neglect in preventing or stopping such Escape, after having received due Notice thereof, shall be recoverable by them in manner aforesaid from any Person or Company who shall have laid any Water Pipe contrary to the Provisions of this Act, or to whom any such Water Pipe shall belong, unless the said Company shall be effectually hindered or prevented from stopping such Escape by reason of the Position of such Water Pipe or Main.

Certain Parts of the Works to be approved by the Duke of Bridgewater's Trustees and the Mersey and Irwell Navigation Company.

XXXV. And be it enacted, That any Work authorized by this Act to be made under, over, or through the Canal, Towing Paths, and Property of the Devisees in Trust of the late Duke of *Bridgewater*, or under, over, or through the Canal, Towing Paths, or Property of the Company of Proprietors of the *Mersey and Irwell* Navigation, shall be executed and completed, as far as may be practicable consistently with the Provisions of this Act, to the Approbation of the Engineer for the Time being of the said Devisees in Trust or the Company of Proprietors, as the Case may be: Provided always, that if such Engineer shall neglect or refuse to signify his Approbation of the Plan or Course proposed by the Company to be adopted in carrying out such last-mentioned Works, after having had the same submitted to him in Writing Seven Days previously, and shall not point out any other Plan or Course, in accordance with the Provisions of this Act, which he proposes should be adopted, then and in such Case it shall be lawful for the Company to proceed to the Execution of the Works according to the Plan or Course so proposed by them, without the Approbation of such Engineer, provided such original Plan or Course be in accordance with the Provisions of this Act, but not otherwise.

As to Alteration of the Company's Works, or Construction of new ones, in case of any

XXXVI. And be it enacted, That if the said Devisees in Trust or Company of Proprietors shall at any Time hereafter widen, deepen, change the Level or divert the Course of or otherwise alter the River *Mersey* or the said Canals and Navigations respectively, or any of them, or make or construct any new Navigation or Works, pursuant to

to the respective Powers vested in them severally, and which Powers are hereby expressly intended to be preserved, or shall concur in or consent to the Construction of a new Bridge over the River or Canal Navigations respectively of the said Company of Proprietors or Devisees in Trust, as the Case may be, in lieu of any existing Bridge, or the heightening of or other Alteration in any such existing Bridge, and it shall in consequence of or for facilitating any such new or altered Works be necessary for the Company hereby incorporated to have any new Works made, or for any of their old Works to be reconstructed or altered, then, and so often as the same shall happen, such new Works or Alterations shall be made, as far as may be consistent with the Provisions of this Act, to the Approbation of the Engineer for the Time being of the same Devisees in Trust or Company of Proprietors, as the Case may be, or without such Approbation (but in pursuance of such Provisions), in the event of the Neglect or Refusal of such Engineer to signify such Approbation, or to point out any other Course or Plan, within the Time and in manner herein-before provided: Provided always, that in making any such new Navigations or Works, or in widening, deepening, or altering the said Rivers *Mersey* and *Irwell*, or the said Canals and Navigations, and the Works connected therewith respectively, which are already in existence, or which shall be made at any Time or Times hereafter, as little Damage as may be shall be done to the Works hereby authorized to be made, and the same shall be reinstated, if necessary, or otherwise such other Works provided as may be requisite, and adapted to the altered State of the said present or any future Navigations respectively, and Compensation and Satisfaction shall be made to the Company hereby incorporated for any Injury caused thereby, as provided by the Lands Clauses Consolidation Act, 1845.

Alteration in the Navigations by the said Trustees or the Mersey and Irwell Navigation Company.

XXXVII. And be it enacted, That if in the Execution of any of the Works by this Act authorized to be made, or by reason of any Act or Omission of the Company by this Act incorporated, their Agents, Servants, or Workmen, or if in consequence of any of the said Works, when made, the said several Canals and Rivers, or any of them, or the Towing Paths thereof respectively, or any of them, or any such new Navigation to be hereafter made as aforesaid, or Towing Path or Paths thereof, shall at any Time be obstructed or impeded, or if any Ships, Boats, Barges, or other Vessels using the same Canals and River respectively cannot pass along the same, or shall be impeded in such passing, or if any Leakage be occasioned to the said several Canals or either of them, or the Water thereof be wasted by reason of the said Works, or by reason of any Act or Default in or about the Construction, Maintenance, or Repair thereof, then and in any of such Cases it shall and may be lawful to and for the said Devisees in Trust or Company of Proprietors, as the Case may be, to remove, take, and put away such Obstruction or Impediment, and to repair, stop, or prevent any such Leakage or Waste of Water, and to repair and make good all Damages or Injury done to the said several Navigations and Works, or any of them, by any

For the Prevention of Obstructions to the Navigation and Works of the said Trustees and the Mersey and Irwell Navigation Company.

any such Obstruction, Impediment, Leakage, or Waste of Water; and the Company shall pay to the said Devisees in Trust or Company of Proprietors, as the Case may be, as or by way of ascertained Damages, all Expences, Costs, and Charges to be incurred therein, and also the Sum of Five Pounds for every Hour during which any such Obstruction, Impediment, Leakage, or Waste of Water shall continue, until the Expiration of Three Days, and from and after the Expiration thereof; or if such Impediment, Obstruction, Leakage, or Waste of Water shall have been occasioned by any wilful Act on the Part of any of the Servants or Persons employed by the Company, then the Company shall pay to the said Devisees in Trust or Company of Proprietors, as the Case may be, the Sum of Twenty Pounds for every Hour during which such Obstruction, Impediment, Leakage, or Waste of Water shall continue, such Sum being in either of the said last-mentioned Cases computed from the Commencement of such Obstruction, Impediment, Leakage, or Waste of Water, and as or by way of ascertained Damages; and such Costs and Charges, and such Sum or Sums as or in the Nature of Damages, shall in any Case be recoverable in the same Manner as provided by the said Lands Clauses Consolidation Act, 1845, with respect to the Recovery of Forfeitures, Penalties, and Costs; and the Company shall make Compensation to all other Parties using or entitled to use the said several Canals and River respectively, or any of them, for all Loss or Injury which they may respectively sustain by reason of any Obstruction or Impediment to the said Navigations or any of them, and also to the Owners and Occupiers respectively of all Buildings, Lands, and Works which shall be injured or damaged by the breaking down of the said Canals or either of them, or the flowing of Water therefrom, in consequence of any such Act or Omission as aforesaid.

For preserving the Navigation of the River Mersey, and the Towing Paths and other Works belonging thereto.

XXXVIII. And be it enacted, That nothing in this Act contained shall extend to empower or authorize the said Company at any Time to do or cause to be done any Act, Matter, or Thing whereby the Navigation of the River *Mersey*, and the Passage of Boats, Barges, Lighters, or other Vessels, may be impeded, injured, or affected, or whereby any of the Bridges, Sluices, Locks, Weirs, Pens for Water, Tanks, Dams, Towing Paths, Engines, and other Works appertaining or belonging to the said River shall be in any Manner injured or obstructed, but that all the Queen's liege Subjects whosoever, with their Goods and Merchandizes, shall and may have and lawfully enjoy (as heretofore, and as by Law established,) their free Passage in, along, through, and upon the said River *Mersey*, with Boats, Barges, Lighters, and other Vessels, without any Let, Hindrance, or Obstruction of the said *Warrington* Gaslight and Coke Company, or any of their Agents or Servants.

Power to borrow Money on Mortgage.

XXXIX. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums of Money not exceeding in the whole (inclusive of any Sums that may have been borrowed under the Powers of the Act hereby repealed, during the Time such Sums may remain unpaid,) the Sum of Twelve thousand

Pounds;

Pounds; but no Part of such Sum shall be raised until the whole of the said Capital or Sum of Thirty-six thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Re-borrowing.

XL. And be it enacted, That if after having borrowed any of the Money by this Act authorized to be borrowed the said Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof, and so from Time to Time.

Former Mortgages to have Priority.

XLI. Provided always, and be it enacted, That all Mortgages granted by the said Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be created by virtue of this Act.

Power to convert Loan into Capital.

XLII. And be it enacted, That it shall be lawful for the said Company, if they shall think fit, to raise any of the Sums by this Act authorized to be borrowed, or any Part thereof, by creating new Shares in the Company, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to pay off such Loan, or any Part thereof, if they shall so think fit, by creating new Shares of the Company in manner aforesaid; but no such Augmentation of Capital shall take place without the previous Order of a General Meeting of the Proprietors of the said Company specially convened for that Purpose.

Power to sell or lease the Works to the Commissioners of Police.

XLIII. And be it enacted, That it shall be lawful for the said Company at any Time or Times hereafter to sell and convey, or to lease for any Term or Terms of Years, the whole or any Part of the Works, Property, Rights, Privileges, and Interests under or by virtue of this or the said recited Act or otherwise vested in or belonging to the said Company, to the Commissioners of Police of *Warrington* aforesaid, at such Price, upon such Terms, and subject to such Rents, Covenants, and Conditions as shall be agreed upon between the said Company and Commissioners; and in case an Agreement for the absolute Sale thereof shall be carried into effect between the said Parties, either under or by virtue of this or any other Clause or Clauses herein contained, then and from thenceforth, and upon the Execution of a Deed of Conveyance under the Corporate Seal of the Company, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, the said Works and Property, and all the Rights and Privileges of the said Company for supplying the several Places within the Limits of this Act with Gas, shall be vested in the said Commissioners in as full and effectual a Manner as they would but for such Sale and the passing of this Act have been vested in the said Company, and all such Rights and Privileges may be used and exercised by such Commissioners accordingly.

XLIV. And

Power for compulsory Sale to Commissioners.

XLIV. And be it enacted, That in case the said Police Commissioners of *Warrington* shall at any Time within the Period hereinafter limited for declaring their Option to purchase be desirous of purchasing, and shall offer, by Writing under the Hands of any Nine or more of the said Commissioners, or of their Clerk or duly authorized Agent, to purchase the Works, Property, Rights, Privileges, and Interests of the said Company at the Price herein-after expressed, then and in such Case the said Company shall and they are hereby authorized and required to sell and convey their said Works, Property, Rights, Privileges, and Interests to the said Police Commissioners for such Price in manner herein-before authorized: Provided nevertheless, that the said Company shall not be obliged to sell and convey the said Works, Property, Rights, Privileges, and Interests to the said Police Commissioners, unless the said Commissioners shall make such Offer to purchase previous to the Determination of the Session of Parliament which shall expire next after the Term of Three Years from the passing of this Act, and unless the said Police Commissioners shall within such Period as last aforesaid obtain such parliamentary or other Power as may be necessary to enable them to complete such Purchase.

Purchase Money to be settled by Arbitration.

XLV. Provided always, and be it enacted, That in case of any such Purchase as last aforesaid the Amount of Purchase Money shall be such Price as shall be settled by Arbitration, but shall in no Case be less than Thirty-six thousand five hundred Pounds, and the Amount of Capital which the said Company may have *bonâ fide* expended in actual Extensions of the Works, under the Powers of this Act, at the Time of such Purchase, together with Interest on such Capital as shall have been expended in Extensions, and shall at the Time of such Purchase have been wholly unproductive of divisible Profit after the Rate of Five Pounds *per Centum per Annum* from the Time or respective Times when the same shall have been so expended; and all the Provisions of the Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act, and be applicable to any such Arbitration, and the Parties thereto.

In the event of Commissioners Powers being transferred to any Public Body, Works may be sold to such Body.

XLVI. And be it enacted, That in the event of the Rights, Powers, Privileges, and Authorities of the said Commissioners of Police of *Warrington* being lawfully transferred to and vested in any Corporation or other public Body, before any such Purchase or Offer as aforesaid shall have been effected or made, the said Company shall and they are hereby authorized and required to sell and convey to such Corporation or public Body, and it shall be lawful for such Corporation or public Body to purchase, the whole or any Part of the Works, Property, Rights, Privileges, and Interests aforesaid, in like Manner in all respects, and subject to the same Terms and Conditions, as the Commissioners of Police of *Warrington* are herein-before authorized to purchase or take on Lease the same; and all the Clauses and Provisions herein contained with reference to any Sale to or Offer by the said Police Commissioners shall be applicable to a Sale

Sale to or Offer by such Corporation or public Body, as fully and effectually as if such Corporation or public Body had been expressly named in such Clauses and Provisions respectively.

Reservation of Rights of the Warrington Police Commissioners, &c.

XLVII. Provided always, and be it enacted, That, save as herein is expressly mentioned, nothing in this Act contained shall extend or be construed or deemed to extend to extinguish, abridge, interrupt, prejudice, or affect any of the Rights, Powers, Privileges, or Authorities of the *Warrington* Police Commissioners, under or by virtue of the said Act passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, or of the *Warrington* Waterworks Company, under or by virtue of "The *Warrington* Waterworks Act, 1846," or of the Devisees in Trust of the late Duke of *Bridgewater* and the Company and Proprietors of the *Mersey and Irwell* Navigation, or either of them, under or by virtue of any Act or Acts of Parliament, or otherwise howsoever.

Appeal.

XLVIII. And be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done or to be done in pursuance of this Act (and for which no particular Method of Relief is herein-before appointed), such Person or Persons may appeal to the Justices of the Peace for the said County of *Lancaster* at their General or Quarter Sessions of the Peace to be holden at *Kirkdale* in and for the said County within the Space of Four Calendar Months next after the Cause of Appeal shall have arisen, such Appellant or Appellants first giving or causing to be given Fourteen Days at least of his, her, or their Intention to bring such Appeal, and of the Cause thereof, to the said Company or other the Respondent or Respondents, and within Two Days after such Notice given entering into a Recognizance before One of Her Majesty's Justices of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal at such General or Quarter Sessions, and to abide the Order of and pay such Sum as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to either Party as they shall think proper, and the Determination of the Justices at such Sessions shall be final and binding upon all Parties.

Interpretation of Act.

XLIX. And be it enacted, That the Words "Police Commissioners" or "Police Commissioners of *Warrington*" in this Act shall mean the Commissioners for the Time being acting in execution of an Act of Parliament passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for paving and improving the Town of* Warrington *in the County of* Lancaster, *and for building a new Bridewell in the said Town.*

Expences of Act.

L. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be

be paid by the said Company out of the first Monies which shall come to their Hands, and in preference to every other Payment whatsoever.

Public Act. LI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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