



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## Cap. xl.

An Act for better lighting with Gas the Town of *Runcorn*, otherwise called *Higher Runcorn* and *Lower Runcorn*, and also certain Townships and Hamlets in the Vicinity. [21st June 1847.]

**W**HEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for lighting with Gas the Town of Runcorn, otherwise called Higher Runcorn and Lower Runcorn, and also the Township or Chapelry of Halton, both in the Parish of Runcorn and County of Chester*, a Company of Proprietors were incorporated by the Name of "The *Runcorn Gaslight Company*:" And whereas in pursuance of the said Act the Company so incorporated proceeded to carry the Powers thereof into execution, and established Works, and have supplied Gas therefrom to and within the said Town and Neighbourhood, and have laid out large Sums of Money in extending and improving such Works: And whereas the Population and Trade of the said Town and Neighbourhood have of late Years greatly increased and are still increasing: And whereas it is expedient that the Powers of the said Act should

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1 Vict. c. 4.

[Local.]

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be

Recited Act repealed, and this Act to be put into execution.

be varied and enlarged, and that the said Company should be enabled still further to extend and improve their existing Works, or to erect further and other Works, in order to meet the increasing Wants of the said Town and Neighbourhood: And whereas the several Purposes aforesaid might be more effectually carried into execution if the said recited Act were repealed, and further and other Powers and Provisions were made and granted instead thereof; but the same cannot be effected without the Authority of Parliament: May it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Parliament assembled, and by the Authority of the same, That on the passing of this Act the said recited Act shall be repealed, and that this Act shall thereafter be put into execution for the Purposes herein-after contained.

8 & 9 Vict. c. 16. 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, and the Gas Clauses Act, 1847, shall, so far as not inconsistent with or otherwise provided by this Act, be incorporated with and form Part of this Act.

Quarter Sessions.

III. 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 *Chester* holden at *Nether Knutsford* in the said County.

Short Title.

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

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

V. 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 hereby authorized, except as herein-after mentioned.

Lands to be acquired by Agreement only.

VI. 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.

Limits of Act.

VII. And be it enacted, That the Limits of this Act shall extend to and include the Town of *Runcorn* otherwise called *Higher Runcorn* and *Lower Runcorn*, and also the Townships or Hamlets of *Halton Astmore* otherwise *Astmore-with-Halton*, *Norton*, *Weston*, *Weston Point*, and *Clifton* otherwise *Clifton-with-Rocksavage*, in the County of *Chester*, and the Townships of *Widnes*, *Widnes-with-Appleton*, and *Widnes Docks*, in the County of *Lancaster*.

VIII. And



VIII. And be it enacted, That *Dennis Brundrit, Philip Whiteway, John Johnson, Thomas Johnson, William Hazlehurst, Charles Hazlehurst, Josiah Rigby, John Rigby, John Middlebrook, Richard Jones, William Pearson,* and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for making Gas Works for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions in this and the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Runcorn* Gas 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.

Company incorporated.

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

Land to be held by the Company.

X. And be it enacted, That from and immediately after the passing of this Act all the Works, Pipes, Tanks, Retorts, Gasometers, and other Apparatus, Roads, Houses, and other Buildings, and all Lands, Tenements, Hereditaments, Easements, Rights, Powers, and Privileges whatsoever, of or to which the *Runcorn* Gaslight Company, or any Persons in trust for them, were 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, and Choses in Action vested in the said Company, and all their Privileges, Rights, Titles, Estate, or Interest therein, shall be and the same are hereby well and effectually vested in and shall belong to the Company hereby incorporated, for their absolute Use and Benefit, to hold to them and their Successors, for the Purposes of this Act, for such and the same Estates, Terms, and other Interests as the said Company under the recited Act hereby repealed, or any Persons in trust for them, immediately before the passing of this Act had therein, subject nevertheless to such Charges, Interests, and Liabilities as at that Time the same Premises were respectively subject to.

Works vested in the Company.

XI. And be it enacted, That all Conveyances, Assurances, Demises, and Grants, Mortgages, Bonds, Covenants, Agreements, Contracts, and Securities, made, executed, or entered into by any Person to or with the Company, under and by virtue of the recited Act, and all Actions, Suits, Prosecutions, and other Proceedings commenced or pending by or against the Company, under or by virtue of the recited Act, shall not become invalidated, made void, discharged, abated, discontinued, prejudiced, or affected by the Repeal of the recited Act, but shall 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, under and by virtue of the recited Act, shall immediately on the Commencement of this Act become

Conveyances, &c. under former Act valid under 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 under the recited Act were liable at the Repeal thereof.

Officers  
under former  
Act to ac-  
count.

XII. And be it enacted, 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 con-  
tinued.

XIII. And be it enacted, That all Officers and Persons appointed under the recited Act shall enjoy their respective Offices and Employments according to the Terms of their Appointments, or until removed therefrom by the Company, and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and shall be liable to the same Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under this Act.

Capital.

XIV. And whereas the Works and Property of the Company incorporated by the said recited Act hereby repealed are of the Value of Twelve thousand Pounds, and it is expedient that the Capital of the Company hereby incorporated should be Forty thousand Pounds; be it enacted, That the Capital of the Company shall be Forty thousand Pounds.

Amount of  
Shares.

XV. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Eight thousand, and the Amount of each Share shall be Five Pounds.

Allotment of  
Shares.

XVI. And be it enacted, That in respect of the Capital already expended by the Company incorporated by the said recited Act hereby repealed there shall be allotted to the several Persons whose Names at the passing of this Act stand in the Books of the *Run-corn* Gaslight Company as the Proprietors of Shares thereof, in proportion to the Number of Shares thereof they hold respectively, Two thousand four hundred Shares in the Capital of the Company hereby incorporated: Provided always, that if any of such Proprietors of Shares shall fail to take up the Shares, or any of them, so allotted as aforesaid, the Directors, at any Time after the Expiration of Two Months from the Day on which such Allotments respectively shall be made, may declare such Shares forfeited, and  
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it shall be lawful for the Directors to sell the forfeited Shares, either by public Auction or private Contract, and either separately or together, as to them shall seem fit; and any Shareholder may purchase any of the forfeited Shares so sold.

XVII. And be it enacted, That in lieu of and on Cancellation of the existing Certificates there shall be granted to the Proprietors of such Shares in the said Company as aforesaid, by the Company hereby incorporated, Certificates of their Shares therein, in like Manner as new Certificates of Shares are to be granted by the same Company. Old Certificates to be cancelled, and new Certificates granted.

XVIII. And be it enacted, That the said Shares in the Company shall immediately after the passing of this Act go, be, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be granted or allotted by virtue of this Act shall thenceforth hold and stand possessed thereof respectively, to and upon such and the same Trusts, and for such and the same Interests, and under and subject to such and the same Dispositions, and subject to such and the same Judgments, Charges, Liens, and Incumbrances, as the Shares in respect whereof such Shares in the Company shall be allotted under this Act are or would have remained to, for, upon, under, and subject to in case this Act had not been passed. Shares to be held upon the same Trusts.

XIX. And for raising Money for extending and improving the Works of the Company, be it enacted, That the Company may raise the Remainder of the Capital of Forty thousand Pounds by creating new Shares. Company may create new Shares.

XX. And be it enacted, That One Pound Five Shillings shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and that Three Months at the least shall intervene between successive Calls. Calls.

XXI. 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 the Sum of Thirteen thousand three hundred and thirty-three Pounds; but no Part of such Sum shall be raised until the whole of the said Capital or Sum of Forty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up. Power to borrow Money.

XXII. And be it enacted, 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 *June*; and such Meetings, whether ordinary or extraordinary, shall be held in the Town of *Runcorn*. Ordinary Meetings.

XXIII. And be it enacted, That the Quorum for any General Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Four thousand Pounds in the Capital of the Company. Quorum of General Meetings.

[Local.]

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XXIV. And



Extra-  
ordinary  
Meetings.

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

Scale of  
voting.

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

For One Share but not exceeding Five Shares, One Vote :

For more than Five but not exceeding Ten Shares, Two Votes :

For more than Ten but not exceeding Twenty Shares, Three  
Votes :

For more than Twenty Shares, Four Votes ; but no Person shall have more than Four Votes in respect of any Number of Shares :  
Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then due upon the Shares held by him.

Proxies.

XXVI. And be it enacted, That no Shareholders shall be allowed in any Case to hold more than Five Proxies.

Appointment  
of Directors.

XXVII. 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 Twelve ; and the several Persons being at the Time of the passing of this Act Members of the Committee under the recited Act shall continue in Office and be respectively Directors of the Company hereby established ; and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary  
the Number  
of Directors.

XXVIII. 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 Eight.

Minute to  
be made of  
the Attend-  
ance of  
Directors.

XXIX. And be it enacted, That there shall be an Entry 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 Shareholders on the Election of Directors.

Quorum  
of Directors.

XXX. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Committees.

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

Power to  
construct Gas  
Works.

XXXII. And be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for  
the



the Company from Time to Time to construct and maintain such Gas Works 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 the Coke and other Residuum arising from the Materials used in the Manufacture of Gas, in such Manner as the Company may think proper.

XXXIII. And be it enacted, 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 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 empowered to lay Pipes for lighting Buildings.

XXXIV. And be it enacted, 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, Trustees, or other Persons having the Control of the Streets, or of the lighting or watching thereof, within the Limits of this Act, for lighting the same or any of them with Gas, and for providing such Commissioners, Trustees, 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, or other Persons.

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

XXXV. And whereas it may be necessary that the Company may have Occasion to lay down and place Pipes, Conduits, Service Pipes, and other Works under the Canal and Works of the Devisees in Trust of the late Duke of *Bridgewater*, and also of the Company of Proprietors of the *Mersey and Irwell* Navigation, and do other Works provided for by the Gas Clauses Act, 1847, in respect of Streets and Bridges; be it therefore enacted, That the Company shall have full Power and Authority to lay down and place such Pipes, Conduits, and Service Pipes, and do the said other Matters, under the Canals and Works herein-before mentioned.

Power to lay Pipes under the Canals of the Duke of Bridgewater's Trustees and the Mersey and Irwell Navigation Company.

XXXVI. 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 said Devisees in Trust, or under, over, or through the Canal, Towing Paths, or Property of the said Company of Proprietors, shall be executed and completed to the entire Approbation of the Engineer

Works affecting Canals to be approved by the Trustees and Navigation Company's Engineer.



Engineer for the Time being of the said Devises in Trust or 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 Twenty-one 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 Canals or Construction of new Works by the Trustees or the Navigation Company.

XXXVII. And be it enacted, That if the said Devises in Trust or Company of Proprietors shall at any Time hereafter widen, deepen, or 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 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 any new Bridge over the River or Canal Navigations respectively of the said Company of Proprietors or Devises in Trust, as the Case may be, in lieu of any existing Bridge, or the heightening of or other Alteration on any such existing Bridge, and it shall, in consequence of or for facilitating any such new or altered Works, be necessary for the Company to have any new Works made, or for any of their old Works to be re-constructed or altered, then, and so often as the same shall happen, such new Works or Alterations shall be made to the Approbation of the Engineer for the Time being of the same Devises 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, as 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 re-instated, 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 for any Injury caused thereby as provided by the Lands Clauses Consolidation Act, 1845.

For the Prevention of Obstructions to the Navigation and Works of

XXXVIII. 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, their Agents, Servants, or Workmen, or if in consequence of any of the said Works when made, the said several



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 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 of 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 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 are 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.

the Trustees  
and the  
Navigation  
Company.

XXXIX. And be it enacted, That it shall be lawful for the Company, at any of their 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.

Company  
may remun-  
erate  
Directors.

[Local.]

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XL. And



Public Act.

XL. 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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