



ANNO DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## Cap. iii.

An Act for granting further Powers to “The *Radcliffe* and *Pilkington* Gas Company.”

[12th *May* 1854.]

**W**HEREAS an Act was passed in the Ninth Year of the Reign of Her present Majesty, and intituled *An Act for lighting with Gas the Town and Parish of Radcliffe, and the Township of Pilkington, or Parts thereof, in the County Palatine of Lancaster*, and by the said Act “The *Radcliffe* and *Pilkington* Gas Company” were incorporated: And whereas the said Company have proceeded in the Execution of the said Act, and have constructed their Works, and are now supplying the Districts included within the Limits of their Act: And whereas the present Share Capital of the Company is Eleven thousand and seven hundred Pounds, divided into One thousand one hundred and seventy Shares of Ten Pounds each; and the Company have borrowed and now owe One thousand and nine hundred Pounds: And whereas the Population, and the Dwelling Houses and Manufactories within the said Districts have of late Years greatly increased and are still increasing, and the efficient lighting of the said Districts would be promoted by an additional Outlay being expended upon the Company’s Works, and the Company are willing to make this Outlay if they are empowered to

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9 & 10 Vict.  
c. 1.

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increase their Share Capital, and if they have further Powers of borrowing; but this cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act repealed.

I. On the passing of this Act the said recited Act shall be and the same is hereby repealed, and the Company thereby incorporated shall be and is hereby dissolved.

"The Company."

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

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

III. The several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," (except as after mentioned), and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act.

Company not to take Land without Consent.

IV. Provided always, That nothing herein or in "The Lands Clauses Consolidation Act, 1845," contained, shall authorize the Company to take or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Interpretation of Terms.

V. In construing the said "Companies Clauses Consolidation Act," "Lands Clauses Consolidation Act," and "Gasworks Clauses Act," as incorporated with this Act, the Expression "the Special Act" shall mean this Act; and the Expressions "the Works," or "the Undertaking," shall mean the Gasworks, and Works connected therewith, by this Act vested in the Company incorporated by this Act, or which they may be authorized to execute; the Expressions "the Promoters of the Undertaking," or "the Undertakers," shall mean the Company incorporated by this Act; and the Expression "Gasworks" shall include the Gasworks, and Works connected therewith, by this Act vested in the said Company, or which they may construct under the Authority hereof; and the Expression "Quarter Sessions" in the said incorporated Acts shall be construed to mean the Quarter Sessions for the County of *Lancaster*, holden at *Salford* in the said County.

Short Title.

VI. In citing this Act it shall be sufficient to use the Expression "The *Radcliffe and Pilkington Gas Act, 1854.*"

VII. The

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VII. The Limits of this Act shall be held to comprise the Town and Parish of *Radcliffe* and the Township of *Pilkington*, and also a Distance of Three Miles, to be computed from the Centre of *Radcliffe Bridge* in *Radcliffe* aforesaid. Limits of Act.

VIII. The several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company hereby dissolved, and all other Persons and Corporations who have subscribed or shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for 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 *Radcliffe and Pilkington 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 Undertaking. Company incorporated.

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

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

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

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

Conveyances,  
&c. to remain  
in force.

XII. All Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act made, done, entered into, executed, or instituted under or by virtue of the recited Act, or with reference to the Purposes thereof, shall be as good, valid, and effectual to all Intents and Purposes whatsoever, for, against, and with reference to the Company as if this Act had not passed, and may be proceeded on and enforced accordingly.

Actions not  
to abate.

XIII. Any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company hereby dissolved before the passing of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Company, in like Manner in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the recited Act committed before the passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for in like Manner in all respects as if this Act had not passed.

Shareholders  
to pay Calls.

XIV. Notwithstanding the Repeal of the said Act, the several Persons who immediately before such Repeal are Shareholders of the Company hereby dissolved, their Heirs, Executors, Administrators, Successors, and Assigns respectively, shall pay the Amount subscribed by them respectively, or so much thereof as is then unpaid, with an Interest due or to accrue due thereon, to the Company, and the same shall be recoverable by the Company as Calls under this Act are recoverable.

Gas Rates  
due at pass-  
ing of Act to  
be recover-  
able by the  
Company.

XV. All Gas Rates and Rents which immediately before the passing of this Act are due and payable or accruing to the Company hereby dissolved shall be payable to and may be collected and recovered by the Company, in like Manner as the Gas Rates and Rents under this Act.

Debts due to  
and by dis-  
solved Com-

XVI. All Persons who immediately before the passing of this Act owe any Sum of Money to the Company hereby dissolved, or to any Person

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Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Company, and all Debts and Moneys which immediately before the passing of this Act are due or owing by or recoverable from the Company hereby dissolved, or for the Payment of which they are or but for this Act would be liable, shall be paid with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Company.

pany to be paid to and by new Company.

XVII. All Resolutions, Orders, Notices, and Proceedings of the Company hereby dissolved, and the Directors thereof, made and taken before the passing of this Act, and all Books, Accounts, Documents, and Writings whatsoever of or relating to the said Company, shall for the Purposes of this Act continue of full Force and Effect as if this Act had not passed.

Resolutions, &c. to remain in force.

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

Books to be Evidence.

XIX. Every Officer and Servant appointed by virtue of or acting under the Authority of the recited Act, shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains and Penalties in all respects whatsoever, as if he had been appointed under this Act.

Officers acting under recited Act to continue till removed.

XX. The Capital of the Company shall (subject to Augmentation as herein-after mentioned) be Twelve thousand Pounds, and shall be divided into One thousand and two hundred Shares of Ten Pounds each.

Capital of the Company.

XXI. One thousand one hundred and seventy of the said Shares, representing Eleven thousand seven hundred Pounds of the Capital of the Company, shall remain vested in the several Persons and Corporations respectively, who immediately before the passing of this Act were possessed of, or entitled to any Share or Shares in the Capital of the Company hereby dissolved, and such Shares shall confer on the Holders thereof the same Rights and Interests as they would

Proprietors of Shares of dissolved Company to remain entitled to them.

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have enjoyed, and shall be subject to the same Liabilities as to Calls or otherwise in respect thereof as 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.

XXII. 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 said Shares under this Act, 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.

XXIII. 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 said Shares were subject and liable to immediately before the passing of this Act.

Power to raise additional Capital by Creation of new Shares.

XXIV. It shall be lawful for the Company from Time to Time, with the Consent of Three 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, in addition to the said existing Capital of Twelve thousand Pounds, any further Sum or Sums of Money for the Purposes of the Company, not exceeding in the whole the Sum of Eighteen thousand Pounds, and to attach such Conditions and Agreements to such Shares or any of them as may be agreed upon at any such Meeting: Provided always, that no guaranteed or preferential Dividend upon any such Shares shall exceed Six Pounds *per Centum per Annum*.

As to "Preference Shares."

XXV. Any Shares to which a guaranteed or preferential Dividend shall be attached shall be distinguished and registered as "Preference Shares," and shall be marked as such, together with the Rate of the preferential Dividend payable thereon, upon the Certificates issued by the Company to the respective Holders thereof.

New Shares to be offered to existing Shareholders first.

XXVI. When any such Shares are created they shall (unless it be otherwise determined by any such Meeting) be offered to the then Proprietors of Shares, in proportion, as nearly as can conveniently be done,

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done, to the Shares held by them respectively in the Capital of the Company at the Time of the Creation of such new Shares.

XXVII. 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.

Such Offer to be made by Letter.

XXVIII. 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.

Shares to vest in Parties accepting, otherwise to be disposed of by the Company.

XXIX. 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, notwithstanding the Time limited for such Acceptance may have expired.

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

XXX. Two Pounds shall be the greatest Amount of any One Call which the Company may make in respect of any new Shares which may be created under this Act, and Three Months at the least shall intervene between successive Calls, and the aggregate Amount of Calls to be made on any Share in any One Year shall not exceed Three Fifths of the Amount of such Share.

Calls.

XXXI. When and so soon as the whole of the Capital of the Company is subscribed for and One Half thereof is paid up, it shall be lawful for them to borrow, on Mortgage of their Undertaking or on Bond, such Sums of Money as may from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, so that there be not owing by the Company on Mortgage

Power to borrow certain Money on Mortgage.

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gage or Bond at any One Time any greater Sum than Eight thousand Pounds.

Application  
of Money.

XXXII. All Money to be raised under the Provisions of this Act, whether by means of Shares or by the Exercise of the Power of borrowing, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Priority for  
existing  
Mortgages.

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

Number and  
Qualifica-  
tions of Di-  
rectors.

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

Power to re-  
duce the  
Number of  
Directors.

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

First Direc-  
tors.

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

Directors to  
retire at First  
ordinary  
Meeting of  
Company,  
and new Di-  
rectors to be  
elected.

XXXVII. At the First ordinary Meeting of the Company, the several Persons who shall then be Directors of the Company shall go out of Office and cease to be Directors; and at such Meeting the Proprietors present, personally or by Proxy, shall elect a new Body of Directors, the several Persons who immediately before such Meeting shall be Directors being eligible to be Members of such new Body.

Quorum.

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

First and  
other Meet-  
ings.

XXXIX. The First ordinary Meeting of the Company shall be held within Three Months after the passing of this Act, and the subsequent ordinary Meetings of the Company shall be held in the Months of *February* and *August* in every succeeding Year.

Number of  
Proprietors  
by whom ex-  
traordinary

XL. The Number of Proprietors on whose Requisition an extraordinary Meeting of the Company may be required to be convened shall





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Action in any Court of competent Jurisdiction, although the Demand in respect thereof may be less than Twenty Pounds.

Expenses of  
Act.

XLVII. 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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