



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. lxxiii.*

An Act for lighting with Gas the Town of *Bury*,  
and other Townships and Places in the Parish of  
*Bury*, in the County of *Lancaster*.

[27th July 1857.]

**W**HEREAS in the Session of Parliament held in the Ninth  
Year of the Reign of Her present Majesty Queen  
*Victoria*, an Act was passed intituled *An Act for granting* 9 & 10 Vict  
*more effectual Powers for lighting with Gas the Town of Bury and* c. iv.  
*the Neighbourhood thereof in the Parish of Bury in the County*  
*Palatine of Lancaster*, whereby a Company was incorporated by the  
Name of "The *Bury* Gaslight and Coke Company:" And whereas  
the Company so incorporated have proceeded to the Execution of the  
said Act, and have constructed Works, and have supplied Gas there-  
from to and within the said Town and Neighbourhood of *Bury*, and  
have laid out large Sums of Money in the Purchase of Land and  
the Extension and Improvement of their said Works: And whereas  
by the recited Act the Company are authorized to raise a Capital of  
Thirty thousand Pounds, divided into Shares of Twenty Pounds  
each, and they are authorized to borrow Ten thousand Pounds; and  
of the said Share Capital the Sum of Twelve thousand eight hundred  
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9 & 10 Vict.  
c. ccxciii.

Pounds was immediately after the passing of the recited Act allotted amongst the then existing Shareholders of the Company, in lieu of the Shares held by them respectively previously to the passing of the said Act, and the Sum of Ten thousand five hundred and seventy-eight Pounds has been since raised by the Sale of Two hundred and eighty-five Shares by Public Auction, and the Sum of Eight thousand two hundred Pounds has been borrowed on Mortgage, and the whole of the said Moneys, amounting in the aggregate to the Sum of Thirty-one thousand five hundred and seventy-eight Pounds, have been expended on the Works of the Company: And whereas, under an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for better lighting, paving, cleansing, draining, regulating, and improving the Borough of Bury in the County Palatine of Lancaster, and for otherwise promoting the Health and Convenience of the Inhabitants*, the Commissioners for executing that Act are empowered to light with Gas the Streets within the Limits of that Act, and to provide such Apparatus and other Works as are necessary for that Purpose: And whereas the lighting of the Borough could be carried into execution with great Benefit to the Inhabitants thereof, if the Gasworks of the Company were vested in the Commissioners; and the Company and the Commissioners have entered into an Agreement, bearing Date the Ninth Day of *May* One thousand eight hundred and fifty-seven, for the Transfer of the Works, Apparatus, and Powers of the Company to the Commissioners, and it is expedient that such Agreement should be carried into effect: And whereas the Objects aforesaid cannot be effected without the Aid and 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, in manner following; (that is to say,)

Short Title.

I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Bury Gas Act, 1857.*"

8 & 9 Vict.  
c. 18. and  
10 & 11 Vict.  
c. 15. incor-  
porated.

II. "*The Lands Clauses Consolidation Act, 1845,*" and "*The Gasworks Clauses Act, 1847,*" shall, except so far as any of the Clauses and Provisions thereof respectively are by this Act varied or excepted, be incorporated with and form Part of this Act.

Powers for  
compulsory  
Purchases  
limited.

III. Provided always, That nothing 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.

IV. The



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IV. The Word "Company" in this Act shall mean the Company incorporated by the first-recited Act; the Word "Undertaking" shall mean all the Lands, Gasworks, Mains, Pipes, Machinery, Implements, Moneys, Property, Choses in Action, and Powers of the Company; the Words "the Gas Act" shall mean the first-recited Act; the Words "Improvement Act" shall mean the second-recited Act; the Word "Commissioners" shall mean the Commissioners for the Time being acting in execution of the second-recited Act.

Interpretation of Terms.

V. The Limits of this Act shall extend to and include the Township of *Bury*, so much of the Township of *Heap* as lies on the Right or westerly Bank of the River *Roach*, between the Tail Goit of *Old Bridge Hall* Woollen Mills and the Junction of that River with the River *Irwell*, so much of the Township of *Walmsley-cum-Shuttleworth* as lies on the southerly Side of a straight Line running from *Chest Wheel Bridge* to *Longcroft* Bleach Mill, the Township of *Elton*, and so much of the Township of *Tottington-Lower-End* as lies on the southerly Side of a straight Line running from the Upper Weir on *Kirklees Brook* near *Hopkinson's* Farmhouse to *Four Lane Ends*, all in the Parish of *Bury* in the County of *Lancaster*, which said Limits are shown upon a Plan, signed in Duplicate by the Right Honourable *Henry FitzRoy* Member of Parliament, One Part whereof is deposited in the Private Bill Office of the Honourable the House of Commons.

Limits of Act.

VI. This Act shall commence and have Effect on and from the First Day of *January* One thousand eight hundred and fifty-eight: Provided always, that as regards the Duty of the Commissioners to give the Notices by this Act directed to be given by them within One Month after the passing thereof, this Act shall have Effect from the passing thereof.

Commencement of Act.

VII. From the Commencement of this Act "The *Bury Gas Act, 1846*," shall be and the same is hereby repealed.

9 &amp; 10 Vict. c. iv. repealed.

VIII. From the Commencement of this Act all the Gasworks, Mains, Pipes, Meters, Apparatus, and other Works and Conveniences, and all the Lands and Buildings, Estates, Rights, Interests, Easements, Privileges, Securities, Choses in Action, Books, Writings, Goods, Chattels, and Effects, and other Real and Personal and Mixed Estates and Effects, and all Claims and Demands whatsoever, of or to which the Company at the Time of the Commencement of this Act are by virtue of the Gas Act, or otherwise howsoever, seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, and all the Profits of the Company from the Commencement of this Act, and all other Moneys of the Company, except only

Gasworks of Company vested in Commissioners.



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only the Dividends on the Capital Stock of Eighteen thousand five hundred Pounds due to the Shareholders of the Company on the Day of the Commencement of this Act, are by this Act absolutely transferred unto and vested in the Commissioners, but subject to all Mortgages, Charges, Incumbrances, Liabilities, Claims, and Demands whatsoever on the Commencement of this Act affecting the same or the Company in respect thereof.

Transfer to be evidenced by Deed duly stamped.

IX. Such Transfer shall be evidenced sufficiently and conclusively by a Deed of Transfer under the Seal of the Company, and duly stamped, and in which Deed the full Consideration for the Transfer shall be fully and truly set forth.

Deposit of Deed of Transfer.

X. Two Parts of such Deed shall be so executed, and one Part thereof shall be deposited by the Commissioners with the Clerk of the Peace for the County Palatine of *Lancaster*, and the other Part thereof shall be retained by the Commissioners and deposited among their Records.

Clerk of the Peace to retain Part deposited with him.

XI. The Clerk of the Peace shall receive and retain that Part of the Deed so deposited with him, and shall permit all Persons interested to inspect it, and make Copies and Extracts thereof, in like Manner, and upon like Terms, or under like Penalty for Default, as provided by the Act of the First Year of Her present Majesty, Chapter Eighty-three, with respect to Documents therein referred to.

Conveyances, &c. to remain valid.

XII. All Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Commencement of this Act to, with, or in favour of, or by, for, or on behalf of the Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Commissioners, and may be proceeded on and enforced in the same Manner to all Intents and Purposes as if the Commissioners instead of the Company or such Person had been Party to and executed the same, or had been named or referred to therein or privy thereto.

Actions, &c. not to abate.

XIII. Any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Company before the Commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Commissioners, in the same Manner to all Intents and Purposes as, if this Act had not passed, the same would have continued and taken effect in favour of and against the Company; and the Court in which any such Action, Suit, Prosecution, or other Proceeding is pending, or any Judge, may,  
on



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on the Application in a summary Way of any Party thereto, cause the Name of the Commissioners to be substituted for the Name of the Company as Party to such Action, Suit, Prosecution, or other Proceeding, and the Name of the Commissioners shall after any such Substitution be used in such Action, Suit, Prosecution, or other Proceeding, in like Manner as if the Commissioners instead of the Company had originally been Party thereto.

XIV. The Officers and other Person appointed or acting under the Gas Act shall hold and enjoy their respective Offices and Employments, with the Salaries and Emoluments thereunto annexed, and be deemed Officers and Servants of the Commissioners, until they be removed therefrom by the Commissioners; and all such Officers and Persons shall have the like Powers and Authorities 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 they had been appointed by the Commissioners under this Act. Officers to continue.

XV. All Sums which immediately before the Commencement of this Act are due and payable for the Supply of Gas or the Hire of Meters, or accruing or becoming due and payable to the Company, shall be payable to and may be collected and recovered by the Commissioners in like Manner as Gas Rents may be collected and recovered under this Act. Gas Rates due at Commencement of Act to be recovered by the Commissioners.

XVI. All Persons who immediately before the Commencement of this Act owe any Money to the Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due or to accrue due for the same, to the Commissioners; and all Debts and Moneys which immediately before the Commencement of this Act are due or owing by or recoverable from the Company, or for the Payment of which the Company are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Commissioners. Debts due to and by the Company to be paid to and by the Commissioners.

XVII. From and after the Commencement of this Act the Commissioners shall be subject to and shall perform and conform and be liable to all Covenants, Conditions, Agreements, Directions, Duties, Liabilities, Debts, Charges, and Restrictions to which the Company at the Time of the Commencement of this Act are or but for this Act would be or become subject or liable, and shall indemnify the Directors of the Company and the several Shareholders of the Company, and their respective Heirs, Executors, Administrators, Successors, and Assigns, Estates and Effects, from all such Covenants, Conditions, Agreements, Directions, Duties, Liabilities, Debts, Charges, and Restrictions, and all Costs, Charges, and Expenses by reason thereof, or of the Nonperformance or undue Performance thereof respectively. Commissioners to be subject to and indemnify Company against their Liabilities.

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XVIII. Except



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General  
Provision for  
Protection of  
Rights under  
repealed  
Acts.

XVIII. Except as is by this Act otherwise expressly provided, everything before the Commencement of this Act done or suffered respectively under the Act hereby repealed shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened and this Act had not passed would be incident to or consequent upon any or every thing so done or suffered respectively; and all such Rights, Liabilities, Claims, and Demands shall be enforceable or recoverable by or against the Commissioners in like Manner and to the same Extent as they were under the Act hereby repealed, or otherwise enforceable or recoverable by or against the Company: Provided always, that the Generality of this Enactment shall not be restricted by any Provision of this Act.

Commis-  
sioners may  
maintain  
Gasworks.

XIX. From and after the Commencement of this Act the Commissioners may maintain, repair, and use the Gasworks of the Company, and the Works and Conveniences thereof; and, subject to the Restrictions herein contained, the Commissioners may from Time to Time maintain upon the Lands acquired and held by them under the Powers and Authorities of this Act, and may from Time to Time alter or discontinue, such Retorts, Gasometers, and Receivers, and such Buildings, Cisterns, Engines, Machines, and other Apparatus, and such Cuts, Drains, Sewers, Watercourses, Reservoirs, Machinery, and other Works, and such Houses and Buildings, and may do all such other Acts for supplying the Inhabitants within the Limits of this Act with Gas, as shall be necessary or convenient for that Purpose, and as they shall from Time to Time think proper.

Power to  
hold Lands  
not exceed-  
ing Ten  
Acres in  
addition to  
the Lands  
already pur-  
chased.

XX. The Commissioners may agree with the Owners of any Lands which they may require for the Purposes of the said Undertaking for the absolute Purchase for a Consideration in Money of any such Lands, or such Parts thereof as they shall think proper, not exceeding in the whole, including the Lands already purchased or acquired, Ten Statute Acres, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands of what kind soever.

Objects and  
Purposes of  
the Commis-  
sioners.

XXI. The Commissioners may sell and dispose of Coke, and of every Product, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, and for carrying on the Business usually carried on by Corporations or Companies authorized to supply Gas, so far and in such Manner as the Commissioners  
may

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may think proper ; and the Commissioners may also manufacture and sell or deal in Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks or with the Supply of Gas to the Consumers thereof, in such Manner as the Commissioners may think proper.

XXII. From the Commencement of this Act the Property of the Commissioners (including therein the Property hereby transferred and the Receipts from Time to Time accruing from and in respect of such Property, and the Moneys which from Time to Time shall come into the Hands of the Commissioners from and in respect of any Rate or Rates which may be levied and collected by them under the Provisions of the Improvement Act (except the *Bury Sewer Rate*), in consideration of the Transfer to the Commissioners of the Property of the Company, are charged with the Payment to the Shareholders in the Company, their Successors, Executors, Administrators, and Assigns, of Nine hundred and twenty-five perpetual Annuities of Two Pounds each, making an aggregate perpetual yearly Sum of One thousand eight hundred and fifty Pounds.

Property of Commissioners charged with Annuities for Shareholders of Company.

XXIII. The Annuities shall be the First Charge upon the Property of the Company by this Act transferred to the Commissioners: Provided always, that all Mortgages and Bonds of the Company existing at the Time of the passing of this Act, or hereafter created and issued in substitution for or for paying off such existing Mortgages or Bonds, shall during the Continuance thereof have Priority over the Annuities.

Annuities to be the First Charge on Gasworks after paying off existing Mortgages thereon ;

XXIV. The Annuities shall also be the First Charge upon all other Property of the Commissioners, and upon all Rates leviable by them, except the *Bury Sewer Rate*: Provided always, that all Principal Moneys and Interest (if any) subsisting as Charges upon such Property and Rates at the passing of this Act shall during the Continuance thereof have Priority over the Annuities.

also on the other Property of the Commissioners, after existing Charges thereon.

XXV. On the Commencement of this Act the Annuities shall vest in and belong to the several Parties who on the Commencement of this Act are Shareholders in the Company, and shall vest in and belong to them respectively in the Proportion of One Annuity of Two Pounds for every One Share of Twenty Pounds held by them respectively in the Capital of the Company.

Annuities to vest in Shareholders in the Proportion of 2l. for every 20l. Share.

XXVI. The Annuities shall in all respects, both at Law and in Equity, be substituted for and represent the Shares in the Capital of the Company, and the several Parties in whom the Annuities become vested under this Act shall be possessed thereof respectively upon the

Annuities to represent Shares in Company.



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the same Trusts, and subject to the same Powers, Provisions, Charges, and Liabilities, as those upon and to which their respective Shares in the Capital of the Company are on the Commencement of this Act held and subject, and the Annuities shall accordingly pass or be affected by any Will or other Instrument disposing of or affecting such Shares.

Commissioners to issue Certificates for Annuities.

XXVII. The Commissioners shall at their own Expense issue to every Party in whom any Annuity becomes vested under this Act, or to his Successors, Executors, Administrators, or Assigns, on Demand made by him or them of the Commissioners, and on Delivery by him or them to the Commissioners of the Certificate of the Share in the Capital of the Company for which the Annuity is substituted, a Certificate of the Annuity; and such Certificate may be in the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Provision in case of Loss of Certificates of Shares in Company.

XXVIII. Provided always, That if any Certificate of a Share in the Capital of the Company be lost or destroyed, then on Proof thereof to the Satisfaction of the Commissioners they shall issue to the Party entitled to the Certificate so lost or destroyed a Certificate of the Annuity substituted for that Share.

Certificates of Annuities.

XXIX. A Certificate shall be issued in respect of each of the Annuities under this Act, and such Certificates shall be numbered in arithmetical Progression beginning with Number One, and every such Certificate shall be distinguished by its appropriate Number, and shall express the Number of the Share in the Capital of the Company for which the Annuity specified in the Certificate is substituted.

Certificates of Annuities to be renewed when lost, &c.

XXX. If the Certificate of any Annuity be worn out or damaged, then on its being produced to the Commissioners they may order it to be cancelled, and thereupon the Commissioners shall issue a similar Certificate to the Party then entitled to the Certificate so worn out or damaged; or if any such Certificate be lost or destroyed, then on Proof thereof to the Satisfaction of the Commissioners they shall issue a similar Certificate to the Party then entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Commissioners in the Register of *Bury Gas Annuitants*; and for every such substituted Certificate the Commissioners may demand any Sum not exceeding One Shilling.

Certificate to be Evidence.

XXXI. The Certificate of any Annuity shall be admitted in all Courts as *prima facie* Evidence of the Title of the Holder thereof, his Executors, Administrators, Successors, or Assigns, to the Annuity therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Annuity from disposing thereof.

XXXII. Th



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XXXII. The Commissioners shall keep a Book called "the Register of *Bury Gas Annuitants*," and shall enter therein fairly and distinctly from Time to Time the Names of the several Corporations and the Names and Additions of the several Persons respectively entitled to the Annuities, and the Number of Certificates of Annuities to which they respectively are entitled, and the Surnames or Corporate Names of the Annuitants shall be placed in alphabetical Order.

Register of  
Bury Gas  
Annuitants.

XXXIII. The Commissioners shall also keep a Book called "the *Bury Gas Annuitants Address Book*," and shall enter therein fairly and distinctly from Time to Time in alphabetical Order the Corporate Names, with the Places of Business of the Annuitants being Corporations, and the Surnames of the other Annuitants, with the respective Christian Names and Places of Abode and Descriptions, so far as the same are known to the Commissioners; and every Annuitant and every Ratepayer of the Borough of *Bury*, or, if such Annuitant be a Corporation, their Clerk or Agent, may at all convenient Times inspect the Book *gratis*, and may require a Copy thereof or of any Part thereof, and for every One hundred Words so required to be copied the Commissioners may demand a Sum not exceeding Sixpence.

The Bury  
Gas Annui-  
tants Ad-  
dress Book.

XXXIV. The Annuities shall be Personal Estate and transmissible as such, and shall not be of the Nature of Real Estate.

Annuities to  
be Personal  
Estate.

XXXV. Every Annuitant may sell and transfer all or any of his Annuities, and every Transfer shall be by Deed duly stamped, in which the Consideration shall be truly stated; and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Transfer of  
Annuities  
to be by  
Deed duly  
stamped.

XXXVI. Every Deed of Transfer (when duly executed) shall be delivered to the Commissioners, and be kept by them, and they shall keep a Book called "the Register of Transfers of *Bury Gas Annuities*," and they shall enter a Memorial of every such Deed of Transfer in that Book, and shall endorse such Entry on the Deed of Transfer (such Endorsement to be signed by the Clerk to the Commissioners), and shall, on Demand, deliver a new Certificate to the Transferee; and for every such Entry of a Deed of Transfer with such Endorsement and Certificate the Commissioners may demand any Sum not exceeding Two Shillings and Sixpence; and on the Request of any Transferee, an Endorsement of the Transfer to him shall be made on the Certificate of the Annuities transferred, instead of a new Certificate being granted; and such Endorsement, being signed by the Clerk to the Commissioners, shall be considered in every respect the

Transfer of  
Annuities  
to be regis-  
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same as a new Certificate; and until such Deed of Transfer be so delivered to the Commissioners, the Transferee shall not be entitled to receive any Part of the Annuities transferred.

Closing of  
Transfer  
Books.

XXXVII. The Commissioners may close the Register of Transfers of the *Bury Gas Annuities* for not exceeding Twenty-one Days before the First Day of *July* and the First Day of *January* yearly; and any Transfer made during the Time when that Register is closed shall, as between the Commissioners and the Transferee, but not otherwise, be deemed made after that Time.

Transmis-  
sion of An-  
nuities by  
other Means  
than Trans-  
fer to be  
authenti-  
cated by a  
Declaration.

XXXVIII. If the Interest in any Annuity become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Annuitant, or in consequence of the Marriage of a Female Annuitant, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration in Writing as by this Act provided; and until the Transmission be so authenticated, any Person claiming by virtue thereof shall not be entitled to receive any Part of the Annuity transmitted.

Contents of  
Declaration  
in all Cases

XXXIX. Every such Declaration shall state the Manner in which and the Party to whom the Annuity is transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master of the High Court of Chancery, or before a Commissioner to administer Oaths in Chancery in *England*, and such Declaration shall be left with the Commissioners, and thereupon they shall enter the Name of the Person entitled under such Transmission in the Register of *Bury Gas Annuitants*; and for every such Entry the Commissioners may demand any Sum not exceeding Two Shillings and Sixpence.

Contents of  
Declaration  
in Cases of  
Transmis-  
sion by  
Marriage,  
Will, &c.

XL. If the Transmission be by virtue of the Marriage of a Female Annuitant, the Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of the Annuity; and if the Transmission be by virtue of any Testamentary Instrument or by Intestacy, the Probate of the Will or the Letters of Administration, or an official Extract therefrom, shall, with the Declaration, be produced to the Commissioners; and upon such Production in either of those Cases the Commissioners shall make an Entry of the Declaration in the Register of Transfers of *Bury Gas Annuities*.

Commis-  
sioners not  
bound to re-  
gard Trusts.

XLI. The Commissioners shall not be bound to see to the Execution of any Trust, whether expressed or implied or constructive, to which



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which any Annuity may be subject ; and the Receipt of the Party in whose Name any Annuity stands in the Register of *Bury Gas Annuitants* shall from Time to Time be a sufficient Discharge to the Commissioners for any Money payable in respect of the Annuity, notwithstanding any Trusts to which the Annuity may then be subject, and whether or not the Commissioners have had Notice of such Trusts ; and the Commissioners shall not be bound to see to the Application of the Money paid upon such Receipt.

XLII. The Annuities shall be computed from the Commencement of this Act, and shall be paid in net Money, clear of all Deductions whatsoever (except Income or Property Tax, or other Tax in the Nature thereof legally chargeable thereon), and shall be so paid by equal half-yearly Payments on the First Day of *July* and the First Day of *January* in every Year, the First Payment thereof to be made on the First Day of *July* One thousand eight hundred and fifty-eight.

Commencement and Payment of Annuities.

XLIII. The Commissioners shall not be bound to pay any Annuity until the Party entitled thereto has demanded a Certificate of it, and an Annuity in arrear and not wrongfully withheld by the Commissioners shall not bear Interest as against them.

Certificate to be demanded before Annuity recoverable.

XLIV. If any Annuity or any Part of an Annuity, being payable, be not paid on Demand thereof in Writing made by the Annuitant or his Agent, the Annuitant may sue for and recover the same, with full Costs of Suit, in any Court having Jurisdiction for the Trial of an Action of Debt of the like Amount.

Annuities recoverable by Action.

XLV. If within Thirty Days after any Annuity or any Part of an Annuity is payable, and after Demand thereof in Writing, it be not paid, the Annuitant may, without Prejudice to his Right to sue for the Amount in arrear, require the Appointment of a Receiver, and several Annuitants whose Annuities are so in arrear may join in requiring the Appointment of a Receiver.

Annuities recoverable by Appointment of a Receiver.

XLVI. Every Application for such a Receiver shall be made to Two Justices ; and on any such Application the Justices may, by Order in Writing after hearing the Parties, appoint some Person to receive the whole or a competent Part of the Moneys then in and thereafter to come to the Hands of the Commissioners, and all or any other Moneys then or thereafter payable to or for the Commissioners, until the Annuities in arrear and in respect whereof the Receiver is appointed, and all Costs, including the Costs of receiving such Moneys, be paid or satisfied ; and when such Appointment is made, the Moneys so ordered to be paid to the Receiver shall be paid to him by the Persons liable

Appointment of Receiver.



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liable to pay the same to or for the Commissioners respectively; and the Receipts of the Receiver for the Moneys so paid shall be valid Discharges for the same, and from all Claims and Demands by the Commissioners and the Annuitants in respect thereof; and the Money so received by the Receiver shall be so much Money received by or to the Use of the Annuitants, according to the Sums respectively due to them; and after the Annuities in arrear and Costs have been so received, the Power of the Receiver shall cease: Provided always, that if during the Continuance of the Receivership any Part of the Annuities of the Annuitants become payable, he may apply any surplus Moneys in his Hands in or towards Payment thereof.

Commissioners to apply Balance of Assets transferred to them by the Company in Redemption of Annuities.

XLVII. The Commissioners shall, before the First Day of *January* One thousand eight hundred and fifty-nine, apply a Sum equal to the Balance of Assets transferred to them by the Company in the Redemption of so many Annuities as such Amount will suffice to redeem, such Balance of Assets to be ascertained in the Mode provided for by the Agreement already entered into between the Commissioners and the Company.

A Sum to be yearly thereafter applied by Commissioners in redeeming Annuities.

XLVIII. The Commissioners shall, within Twenty Years from the First Day of *January* in the Year One thousand eight hundred and fifty-nine, purchase and redeem the whole of the said Annuities, and apply a Sum sufficient for the Redemption of not less than One Twentieth Part thereof in every successive Year until the whole of the Annuities shall have been redeemed.

Order in which Annuities redeemed to be determined by Ballot.

XLIX. The Company shall, at a General Meeting to be held before the First Day of *January* One thousand eight hundred and fifty-eight, determine by Ballot the Order in which the Annuities shall be redeemed, and shall prepare a List in accordance with such Determination, and shall affix the Common Seal of the Company to such List, and shall deliver the same to the Commissioners, who shall retain the same, and shall permit any Annuitant to inspect the same at all reasonable Times without Charge.

Entry of Redemption.

L. When any Annuity is redeemed an Entry of the Redemption thereof shall be made in the Register of *Bury Gas Annuitants*, and thereupon the redeemed Annuity shall be wholly extinguished.

Rate at which Annuities shall be redeemed.

LI. The Commissioners shall not redeem any Annuity at a higher Rate than that of Fifty Pounds for every Two Pounds Annuity, nor, except with the Consent of the Annuitant, at a lower Rate than that; and such Rate of Fifty Pounds shall include all Claims of the said Annuitants to the contingent or reserved Fund of the Company, or any



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any Part thereof, as well as to the Balance of Assets to be transferred to the Commissioners as herein-before provided; nor shall the Commissioners, except with such Consent, redeem any Annuity until they shall have given to such Annuitant Six Months Notice in Writing of their Intention to do so; nor shall they, except with such Consent, redeem a Part only of the Annuities held by such Annuitant, unless the Moneys in any Year applicable to the Redemption of Annuities shall not suffice to redeem the whole of the Annuities belonging to him, having regard to the prescribed Order of Redemption, in which Case so many of his Annuities shall be redeemed as the Money at the Disposal of the Commissioners for that Purpose shall suffice to redeem: Provided also, that in all Cases the Commissioners shall pay to the Annuitants a proportionate Part of the current Year's Annuity, from the last Day of Payment to the Day of Redemption.

LII. Within One Month after the passing of this Act the Commissioners shall give Notice thereof to every Shareholder of the Company, and such Notice shall state concisely the Provisions of this Act affecting the Shareholders; and every such Notice shall be signed by the Clerk to the Commissioners or his Deputy in that Behalf; and such Notices shall be sent by the Post as Letters, addressed to the Shareholders according to their respective Addresses in the Share Register of the Company.

Notice of this Act to be given to Shareholders of Company.

LIII. A Contract with the Commissioners for a Supply of Gas or a Gas Meter under this Act shall not disqualify a Person as a Commissioner.

Contracts, &c. not to disqualify Commissioners.

LIV. The Commissioners shall from Time to Time appoint out of their own Body a Committee, to be called "the Gas Committee," for carrying into execution the Purposes of this Act, which Committee shall consist of Seven Persons, of whom the Chairman of the Commissioners for the Time being shall *ex officio* be One, and the Commissioners shall also from Time to Time fix the Quorum of such Committee; and the Persons appointed Members of such Committee shall continue to be Members thereof during their respective Terms of Office as Commissioners; and such Committee shall have Power from Time to Time to appoint Sub-committees of their Number; and in the event of any Vacancy occurring by the Death, Resignation, Disqualification, or otherwise of any Member of the Committee, such Vacancy shall be filled up at the next General Meeting of Commissioners after Notice of such Vacancy shall have been given.

Committee to be appointed.

LV. The Committee so appointed may meet from Time to Time and may adjourn from Place to Place as they may think proper, but

Quorum and Proceedings of Committee.

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no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members fixed by the Commissioners be present; and at all Meetings of the Committee the Chairman of the Commissioners, or in his Absence any other Member to be appointed by the Members present, shall be Chairman; and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an Equality of Votes the Chairman shall have a Casting Vote in addition to his Vote as a Member of the Committee.

Separate Accounts and Audit.

LVI. A separate Account, to be called "the Gas Account," shall be kept of all Moneys received or paid by the Commissioners on account of the Gasworks, and of all Rents or Rates arising out of the same, and the Charges thereon and the Expenditure thereof, and such Account shall be audited by some fit and proper Person, who shall be appointed in manner herein-after provided.

Balance to be ascertained.

LVII. Such Accounts shall be made up annually to the same Period as the other Accounts of the Commissioners under the Improvement Act, and in making up such Accounts the net Balance in favour of or against the Gasworks shall be ascertained, after providing for all the Charges thereon.

Appointment of Auditor.

LVIII. The Chairman of the Adjourned *Easter* Quarter Sessions of the Peace for the County Palatine of *Lancaster*, held at *Salford* in each Year, shall appoint an Auditor for the Purpose of auditing the Accounts of the Gas Committee; and in case the Office of such Auditor shall before such Accounts have been audited by him be vacant by Death, or from any other Cause, the Chairman of the next or other succeeding Quarter Sessions held at *Salford* shall from Time to Time appoint an Auditor to supply such Vacancy.

Duty of Auditor.

LIX. It shall be the Duty of such Auditor yearly to audit the said Accounts of the Gas Committee, and to receive from them the Balance Sheet showing the net Balance in favour of or against the Gasworks, and to examine the same.

Powers of Auditor.

LX. For the above Purposes such Auditor may examine the Accounts of the Gas Committee at any Time during Fourteen Days previous to the Annual Meeting of the Commissioners, and may either make a special Report on the said Accounts or simply confirm the same, and such Report or Confirmation shall be presented to the Annual Meeting of the Commissioners.

LXI. The



*The Bury Gas Act, 1857.*

LXI. The Commissioners shall deliver to such Auditor the said Balance Sheet Fourteen Days at the least before the ensuing Annual Meeting of the Commissioners.

Delivery of Balance Sheet, &c. to Auditor.

LXII. A reasonable Sum shall be paid to such Auditor by the Commissioners for his Labour and Expenses in such Audit.

Remuneration of Auditor.

LXIII. The Commissioners shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *March* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Auditor, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Lancaster* on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all reasonable Hours on Payment of the Sum of One Shilling for every such Inspection; and if the Commissioners shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace, which shall be open for Inspection.

Penalty for Neglect.

LXIV. After the First Day of *January* One thousand eight hundred and fifty-eight the Commissioners shall pay for the Supply of Gas required for the Purposes of the Improvement Act a Price equal to the lowest Price charged for the Time being to any private Consumer, and the Amount so paid shall be taken from the General Rate which they are authorized to levy under the Improvement Act, and paid to the Gas Account.

As to Supply of Gas for public Purposes.

LXV. "The *Bury* General Rate" shall be charged with the Expenses of executing this Act to the Extent to which the net Proceeds from the Manufacture and Supply of Gas within the Limits of this Act may from Time to Time prove insufficient for the Purpose; and it shall be lawful for the Commissioners, in estimating the Amount which may from Time to Time be required to be raised by the said *Bury* General Rate, to take into account and provide for any estimated or probable Deficiency of such net Proceeds for the Purposes to which the same are herein-after made applicable, and to apply the Moneys raised by such Rate or any Part thereof to making good such Deficiency: Provided always, that the Amount to be levied shall not in any Year exceed the Amount authorized by the Improvement Act.

Bury General Rate to be charged in aid of Expenses of executing Act.

LXVI. All



*The Bury Gas Act, 1857.*Application  
of Moneys.

LXVI. All Moneys received by the Commissioners under the Provisions of this Act in respect of the Manufacture and Supply of Gas shall be applied as follows :

First, in Payment of the Interest upon the Mortgages and Bonds at the Time of the passing of this Act charged upon the Undertaking, and upon the Mortgages and Bonds or Mortgages or Bonds, if any, which may be created and issued in substitution or for Payment of existing Mortgages or Bonds :

Secondly, in Payment of the Annuities created by this Act :

Thirdly, in Payment of the Interest upon all Mortgages and Bonds issued by the Commissioners in pursuance of the Powers of borrowing Money conferred upon them by this Act :

Fourthly, in setting apart as a Sinking Fund a Sum equal to Two *per Cent. per Annum* upon all Moneys which shall have been borrowed by the Company under the Powers of their Act, and all Moneys which shall be borrowed by the Commissioners under the Powers of this Act, and which Moneys respectively shall for the Time being be unsatisfied ; and the Sums so annually set apart shall be carried to a separate Account, and shall be applicable to the Redemption of Mortgages or other Charges upon the Undertaking ; provided that the Obligation to set apart such annual Sum as aforesaid shall not attach until after the Expiration of Three Years from the Commencement of this Act :

Fifthly, in Payment of the Expenses attendant upon working the Undertaking, and otherwise carrying this Act into execution :

And in case the Commissioners shall realize any Profit upon the Manufacture and Sale of Gas, after having made the several Payments herein-before provided for, then such Profit shall be applied as follows ; that is to say, one Moiety thereof for the Purposes of the Improvement Act, and the other Moiety thereof in reduction of the Price of Gas for the then next ensuing Year as nearly as may be corresponding to the Amount of such Moiety.

Power to  
borrow on  
Mortgage.

LXVII. The Commissioners may borrow on Mortgage or Bond, on Security of the Property vested in them by virtue of this Act and the Rates and Rents payable to them under the Provisions thereof, the Sum or Sums of Money following ; that is to say, for the Purpose of redeeming the Annuities a Sum not exceeding Forty-five thousand Pounds ; and for the Purpose of maintaining, improving, and extending the Gasworks, and efficiently supplying Gas within the Limits of this Act, a Sum not exceeding Ten thousand Pounds, in addition to the Moneys borrowed by the Company.

Power to  
reborrow.

LXVIII. The Commissioners may, in case they pay off any Moneys so borrowed, from Time to Time reborrow the same upon such



*The Bury Gas Act, 1857.*

such Terms as may be deemed expedient, and may also, in case they pay off any Moneys borrowed by the Company and outstanding at the Commencement of this Act, from Time to Time reborrow the same upon such Terms as may be deemed expedient: Provided always, that it shall not be lawful for the Commissioners to reborrow any Moneys paid off by means of the Sinking Fund.

LXIX. For the Purpose of such borrowing, Sections 75 to 79, 81 to 83, 86 to 88 (all inclusive), of "The Commissioners Clauses Act, 1847," are hereby incorporated with this Act.

Provisions of 10 & 11 Vict. c. 16., as to borrowing, incorporated.

LXX. The Mortgagees under this Act may enforce the Payment of the Arrears of Principal and Interest due to them by the Appointment of a Receiver in the Manner provided by the said last-mentioned Act, and the Debt or aggregate of Debts in arrear which shall be sufficient to authorize the Application for a Receiver as provided by the said Act shall be at least Five hundred Pounds.

Amount to authorize Requisition for Receiver.

LXXI. The Commissioners may accept from any Bank or Banking Company Credit on a Cash Account to be opened with such Bank or Banking Company in the Name of the Gas Committee, according to the Usage of Bankers in *England*, to the Extent of not exceeding Three thousand Pounds, and may grant Mortgages or Bonds in the Manner and upon the Property aforesaid to the Amount of such Credit or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon; and the Moneys so borrowed on Cash Account shall be deemed to be Part of the Ten thousand Pounds herein-before authorized to be borrowed.

Commissioners may borrow on Cash Account opened in Name of Commissioners.

LXXII. All Gas Rates or Rents or Remunerations for Gas due to the Commissioners, and all Damages, Costs, and Expenses by this Act or the Gas Act directed to be paid, and all Costs of furnishing and fixing any Gas Meters or Pipes, and the Amount of which shall not be disputed, may be levied by Distress, and any Justice, on Application, may issue his Warrant accordingly.

Undisputed Rates or Rents may be recovered by Distress.

LXXIII. Any Justice who shall issue any Warrant of Distress for the Recovery of any Money payable under this Act or any Act incorporated herewith may order that the Costs of Proceedings for the Recovery of such Money shall be paid by the Person liable to pay such Sum of Money, and such Costs may be ascertained by such Justice, and may be included in the Warrant of Distress for the Recovery of such Money.

Costs of Proceedings may be included in Warrant of Distress.

LXXIV. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Commissioners

Several Names and Sums in One Warrant.

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Commissioners



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sioners for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice or in a Schedule thereto.

No Justice disqualified by being a Ratepayer or liable to Gas Rates.

LXXV. No Justice shall be disqualified for acting in the Execution of this Act by reason of his being a Ratepayer within the Limits of this Act, or being liable to the Payment of any Rent or other Charge under this Act.

Sums due to Commissioners may be recovered by Action.

LXXVI. The Commissioners may recover any Sum of Money which shall be due to them from any Person for Gas Rates or Gas Rents, or for the furnishing or fixing of any Gas Meter or Pipe, or for Damages, Costs, or Expenses, by Action or Proceeding in any Court having Jurisdiction for the Trial of an Action of Debt of the like Amount.

Provision for Hire or Purchase of Meters, &c. now in use.

LXXVII. All Gas Meters and Fittings belonging to the Commissioners now in use by the Consumers shall continue in use so long as the same shall be reasonably fit for Service, and the Consumers using those Meters and Fittings may at their Option either continue to hire or rent the same from the Commissioners, or purchase the same from the Commissioners, at Prices to be agreed upon.

Consumers of Gas may be required to consume Gas by Meters.

LXXVIII. Every private Consumer of Gas of the Commissioners shall, upon Request in Writing by the Commissioners, consume Gas by Meter to be found and provided by the Commissioners, unless the Consumer shall think fit to provide the same at his own Expense, in which Case the Meter and so much of the Pipe extending thereto from the Main as shall not belong to or be under the Control of the Commissioners shall be in all respects constructed, laid, and affixed, and subsequently maintained and kept in repair, to the reasonable Satisfaction of the Commissioners.

Inspection of Meters.

LXXIX. The Chairman of the Court of Quarter Sessions to be held by Adjournment at *Salford* in and for the County of *Lancaster* may appoint an Inspector of Meters, and such Inspector shall have at all Times, on the Application and at the Expense of any Consumer of Gas supplied by the Commissioners, a Right to inspect the Meters erected by the Commissioners on the Premises of the Person making such Request, after giving Forty-eight Hours Notice of such intended Inspection to the Commissioners or their Clerk.

Consumer requiring Examination to deposit Amount due.

LXXX. Before Inspection the Person requiring such Examination shall deposit in the Hands of the Inspector all Money due or appearing to be due by such Person to the Commissioners, and in case such Consumer shall have paid any Sum in Excess, such Excess shall be returned to him.

LXXXI. Every



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LXXXI. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Commissioners, or shall fraudulently alter the Index to any Meter, or shall knowingly and wilfully prevent any Meter from duly registering the Quantity of Gas supplied, shall forfeit to the Commissioners a Sum not exceeding Five Pounds, and the Commissioners may in addition thereto recover the Amount of any Damages by them sustained; and the Existence of artificial Means for causing such Alteration or Prevention, where such Meter shall be under the Custody or Control of the Consumer, shall be *primâ facie* Evidence that the same has been fraudulently, knowingly, and wilfully caused by the Consumer using such Meter.

For preventing fraudulent Consumption.

LXXXII. If and whenever any House, Building, or Premises which shall have been supplied with Gas by the Commissioners shall be unoccupied, the Commissioners, their Agents, Servants, or Workmen, after giving Twenty-four Hours previous Notice to the Owner, by serving the Notice on him or leaving the same at his usual Place of Abode (or, if the Owner or his usual Place of Abode be not known to the Commissioners, by affixing the same for Three Days on some conspicuous Part of such House, Building, or Premises), may enter into such House, Building, or Premises between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, or Fittings, or other Works the Property of the Commissioners.

Commissioners may remove Pipes from unoccupied Premises on giving Notice to the Owner.

LXXXIII. In all Proceedings against the Estate of any Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency, any Person appointed for that Purpose by the Commissioners under their Common Seal may represent the Commissioners, and act in their Behalf in all respects as if the Claim or Demand of the Commissioners against such Estate were the Claim or Demand of such Person and not of the Commissioners.

Representation of Commissioners in Bankruptcy, &c.

LXXXIV. It shall not at any Time be lawful for the Commissioners to charge a higher Price for Gas supplied by them to any Person who shall burn the same by Meter than Five Shillings *per* One thousand Cubic Feet.

Price of Gas for private Purposes.

LXXXV. All the Gas supplied by the Commissioners shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Twelve Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

As to Quality of Gas supplied by the Commissioners.

LXXXVI. The



*The Bury Gas Act, 1857.*

Commissioners to erect a Meter to test the illuminating Power of Gas.

LXXXVI. The Commissioners shall within Six Months after the passing of this Act cause to be erected in some convenient Part of their Works an Experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Power to Justices, on Requisition, to authorize testing of Gas.

LXXXVII. It shall at any Time be lawful for any Two Justices of the County of *Lancaster*, not being Commissioners, on receiving a Requisition, signed by not less than Five Consumers of the Gas of the Commissioners, complaining that the Gas supplied to them is not in their Judgment and Belief of the full illuminating Power prescribed by this Act, if they shall think fit, by Order in Writing under their Hands, to appoint some competent Person to proceed to the Works of the Commissioners, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Commissioners, may at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Commissioners, and in the Presence of the Superintendent or other Officer of the Commissioners make Experiment of the illuminating Power of the Gas of the Commissioners by means of the Experimental Meter and other Apparatus before mentioned, and the Commissioners and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiments; and if it shall thereupon be proved to the Satisfaction of the said Two Justices, after hearing the Parties, that the illuminating Power of the Gas supplied by the Commissioners did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Commissioners or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Commissioners shall forfeit such Sum, not exceeding Twenty Pounds, as the said Justices shall determine.

Costs of Experiment to be paid according to event.

LXXXVIII. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same and the Costs of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Commissioners shall be paid, together with such Penalty, by the Commissioners, but in the event of the Gas being found when tested to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid by the several Persons making such Requisition as aforesaid to the Commissioners, and shall be paid or levied accordingly.

LXXXIX. Penalties



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*The Bury Gas Act, 1857.*

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LXXXIX. Penalties imposed on the Commissioners for One and the same Offence by this Act and any other Act, whether incorporated with this Act or not, shall not be cumulative. Penalties not to be cumulative.

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



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*The Bury Gas Act, 1857.*

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The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

*Form of Certificate of Annuity.*

The Bury Gas Act, 1857.

Certificate of Annuity, No.                      £2 0 0.

By virtue of "The Bury Gas Act, 1857," the Bury Improvement Commissioners certify that *A.B.* of                      is under that Act entitled to a perpetual Annuity of Two Pounds, charged on the Property of the Commissioners, and substituted for the Share of Twenty Pounds in the Bury Gaslight and Coke Company, numbered                      and such Annuity is payable to him, his Executors, Administrators, or Assigns, by equal half-yearly Payments, on the First Day of July and the First Day of January yearly.

Given under the Seal of the Commissioners, this  
Day of                      in the Year of our Lord                      .

SCHEDULE (B.)

*Form of Transfer of Annuity.*

The Bury Gas Act, 1857.

I *A.B.* of                      in consideration of £  
paid to me by *C.D.* of                      transfer to him, his Executors,  
Administrators, and Assigns, the perpetual Annuity or Annuities  
No.                      of £2 (each) charged by "The Bury Gas Act,  
1857," on the Property of the Bury Improvement Commissioners,  
and substituted for the Share (*or*                      Shares) of Twenty Pounds  
(each) in the Bury Gaslight and Coke Company, numbered (respec-  
tively)                      and payable by equal half-yearly Payments,  
on the First Day of July and the First Day of January yearly, and  
all my Right and Interest therein and thereto.

Witness my Hand and Seal, this                      Day of  
in the Year of our Lord                      .

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