



ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. xxix.

An Act for authorizing the *Stalybridge* Gas Company to extend their Works and increase their Capital; and for other Purposes.

[31st May 1867.]

WHEREAS by the "*Stalybridge* Gas Act, 1855," (in this Act called the Act of 1855,) the *Stalybridge* Gas Company (herein-after in this Act called "the Company") were authorized to supply with Gas the Town of *Stalybridge* and certain Places in the said Act mentioned in the Counties of *Chester* and *Lancaster* and in the West Riding of the County of *York*: And whereas the Lands upon which the Company were by the Act of 1855 authorized to maintain and make and maintain Works for the Manufacture of Gas are set forth in Part III. in the Schedule to this Act annexed: And whereas by the Act of 1855 the Capital of the Company was declared to be their then Capital of Twenty thousand Pounds and such additional Capital, not exceeding Thirty thousand Pounds, as the Company might raise under the Powers of that Act, and the Company were authorized to borrow Ten thousand Pounds upon Mortgage: And whereas the Company have raised for the Purposes of the Act of 1855 the whole of the additional Capital of Thirty thousand Pounds, and they have, by creating new

18 & 19 Vict. c. viii.

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Shares

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Shares instead of borrowing, raised nearly the whole of the Sum of Ten thousand Pounds by such Act authorized to be borrowed: And whereas the Population and Buildings within the Limits of the Act of 1855 have since the passing of that Act greatly increased and are still increasing, and it is expedient that the Company be authorized to extend their Gasworks, to purchase additional Lands, and to increase their Capital: And whereas it is expedient that the Act of 1855 be amended in other respects; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may for all Purposes be cited as "*Stalybridge Gas Act, 1867.*"

8 & 9 Vict.
c. 18.,
10 & 11 Vict.
c. 15., and
23 & 24 Vict.
c. 106. in-
corporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form Part of this Act: Provided that this Act shall not authorize the Purchase of Lands otherwise than by Agreement.

Parts of
8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. in-
corporated.

3. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845:"

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock; and

With respect to affording Access to the Special Act by all Parties interested:

And Part I., Part II., and Part III. of "The Companies Clauses Act, 1863:"

So far as the Provisions of the same respectively are not varied by this Act, are incorporated with and form Part of this Act.

4. The

Stalybridge Gas Act, 1867.

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context, and the Expression "Superior Courts" or "Court of competent Jurisdiction" in the Act of 1855 and this Act respectively shall, for the Purposes of the Act of 1855 and this Act respectively, be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Meanings to Words in incorporated Acts as in this Act.

5. The Company may from Time to Time raise (in addition to their present Capital and the Money which they are by the Act of 1855 authorized to raise) any further Sums, not exceeding in the whole Fifty thousand Pounds, by the Creation of new Ordinary Shares or Stock, or new Preference Shares or Stock, or (at the Option of the Company) by both of those Modes, making the aggregate Stock and Share Capital of the Company One hundred and ten thousand Pounds.

Power to raise additional Capital.

6. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

7. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Calls.

8. No Person shall be entitled to vote in respect of any Stock or Share created under this Act to which a Preferential Dividend shall be assigned, unless the Company shall at the Time of the Creation and Issue of such Preference Stock or Shares have determined otherwise.

Preference Shareholders not entitled to vote except with Consent of Company.

9. Save as herein or in the Acts incorporated herewith otherwise provided, the Holders of Shares or Stock in the additional Capital by this Act authorized to be raised shall be entitled to the like Rights of voting and other Rights, Qualifications, and Privileges in proportion to the Amount of their Shares or Stock from Time to Time paid up, and be subject to the like Provisions, Forfeitures, and Liabilities as the Holders of Shares or Stock in the Capital of the Company under the Act of 1855.

Privileges, &c. of the Holders of new Capital.

10. The

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Limit of
Dividends
on new
Capital.

10. The Company shall not in any Year make out of their Profits any larger Dividend on the additional Capital of Fifty thousand Pounds to be raised under the Powers of this Act than Seven Pounds in respect of every Hundred Pounds actually paid of such Capital on Ordinary Shares or Stock, or Six Pounds in respect of every Hundred Pounds actually paid of such Capital on Preference Shares or Stock.

Power to
borrow on
Mortgage.

Restriction
on borrow-
ing.

11. The Company may from Time to Time borrow on Mortgage any Sums not exceeding in the whole Twenty-five thousand Pounds, but no more than Twelve thousand five hundred Pounds shall be borrowed until the whole of the additional Capital of Fifty thousand Pounds by this Act authorized to be raised is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company prove to the Justice who is to certify under Section 40. of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said additional Capital of Fifty thousand Pounds has been subscribed for, issued, and accepted, and One Half thereof has been paid up, and not less than One Fifth Part of the Amount of every separate Share or the whole of the Stock has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that the said additional Capital was issued *bonâ fide* and is held by the Subscribers or their Assigns, and that the Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

12. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver, in respect of Principal or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less in the whole than Two thousand Pounds.

Debenture
Stock.

13. The Company may create and issue Debenture Stock, and the prescribed Rate of preferential Interest shall be Five Pounds *per Centum per Annum*.

Application
of Monies.

14. All Monies raised under this Act, whether by Shares or by borrowing, shall be applied only for the Purposes of this Act and of the Act of 1855 as amended by this Act.

Power to
purchase
Lands.

15. In addition to the Lands vested in the Company for the Purposes of their Undertaking at the Time of the passing of the Act
of

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of 1855 and the Lands already purchased under the Powers therein contained, the Company may, by Agreement, purchase or acquire and hold, for the Purposes of their Undertaking and the Erection of Works for the Manufacture of Gas thereon, the Lands described in Part II. of the Schedule to this Act annexed, and also may purchase and hold any other Lands; provided that the Company shall not hold for the Purposes of their Undertaking at any one Time more than Sixteen Acres.

16. The Company may from Time to Time make, maintain, alter, and use Works for the Manufacture of Gas in all or any of the Lands specified in the Schedule to this Act annexed. Power to make additional Gas-works.

17. The Company shall not make or maintain any Works for the Manufacture of Gas except in the Lands vested in the Company for the Purposes of their Undertaking at the Time of the passing of the Act of 1855 and specified in Part III. to the Schedule to this Act, and in the Lands specified in Parts I. and II. to the Schedule to this Act annexed respectively, nor shall they, except on such Lands specified in the said several Parts to the Schedule to this Act annexed, erect Works for the Storage of Gas within Three hundred Yards of any Dwelling House existing at the Time of the Acquisition by the Company of the Lands for such Storage Works without the Consent in Writing of the Owner, Lessee, and Occupier of every such Dwelling House. Restriction as to Erection of Works.

18. The Company may (but only for the Purposes of the Company within the Limits of the Act of 1855) contract for, take, and use any Leave, Licence, or Authority to work, use, exercise, or put in practice any Invention or Inventions under any Letters Patent at any Time heretofore made, or hereafter to be made, granting any Right or Privilege of working, using, exercising, or vending any Invention in relation to the Manufacture and Distribution of Gas, or the Utilization of the residual Products arising from the Manufacture of Gas, or otherwise in relation thereto, but not so as to acquire an exclusive Right to the Working, Use, Exercise, or putting in practice of any such Invention or Inventions, and may also manufacture and sell, let, 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 Company may think proper, and generally carry on the Business usually carried on by Gas Companies, or which is or may become incident thereto: Provided that nothing in this Act contained shall prevent the Company from being liable to an Indictment for Nuisance or to any other legal Proceeding to which they may be liable in consequence of any such Operations. Power to take Licences of Patent Rights.

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19. All Nothing to exempt Company from being indicted for a Nuisance.

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As to Quality
of Company's
Gas.

19. All the Gas supplied by the Company shall be of such illuminating Power at the Place of testing such Gas 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 Fourteen Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per Hour*.

Company to
erect a Meter
to test illumi-
nating
Power of
Gas.

20. The Company shall, within Six Months after the passing of this Act, cause to be erected in some convenient Place an experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, capable of consuming Five Cubic Feet of Gas *per Hour*, with other necessary Apparatus for testing, and which shall be so placed that the same may test the illuminating Power of all the Gas of the Company, and shall at all Times keep and maintain the experimental Meter and Apparatus in good Repair and working Order.

Power to
test the
illuminating
Power of
Gas.

21. The Town Council of *Stalybridge*, on the Requisition in Writing of Five or more Consumers of the Gas of the Company, may from Time to Time, by Order in Writing, appoint some competent Person, not being an Officer or Servant of the Company nor of the Town Council, to test the illuminating Power of the Gas, and the Person so appointed may at any reasonable Hour in the Day-time, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Manager or other Officer of the Company make Experiment of the illuminating Power of the Gas by Means of such experimental Meter and other Apparatus, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall be proved to the Satisfaction of Two Justices of the Peace, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or wilfully hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds, as the Justices shall determine.

Costs of
Experiment
to be paid
according
to Event.

22. The Costs of and attending such Experiments, 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 the Justices, and in the event of any Penalty being imposed on the Company shall be paid, together with such Penalty, by the Company; but in the event of no such Penalty being imposed on the Company, then those Costs shall be ascertained by the Justices and shall be paid by the Parties signing the Requisitions respectively.

23. A Person

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23. A Person shall not by reason of his being a Shareholder or Stockholder of the Company be disqualified from being or acting as a Member of any Body Corporate, Local Board, Commission, or Trust within the Limits of the Act of 1855, or be liable to any Penalty, notwithstanding the Body Corporate, Local Board, Commissioners, or Trustees enter into or are interested in any Contract with or for the Company: Provided that no Shareholder or Stockholder, being a Member of the Body Corporate, Local Board, Commission, or Trust, shall as such Member vote concerning any such Contract.

Shareholders not disqualified from acting as Members of Corporations, Local Boards, &c.

24. No Judge of a County Court or Justice shall be disqualified from acting in the Execution of this Act or the Act of 1855 by reason of his being liable to any Gas Rent, Meter Rent, or other Charge under this Act or the Act of 1855, or by reason of his being a Shareholder or Stockholder of the Company.

County Court Judges and Justices not disqualified.

25. All the Costs, Charges, and Expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

Expenses of Act.

SCHEDULE referred to in the foregoing Act.

PART I.

LANDS belonging to the Company situate in the Hamlet of Micklehurst in the Township of Tintwistle, in the Parish of Mottram-in-Longdendale in the County of Chester, bounded on the North by a Cotton Mill and Land occupied by Messieurs Samuel Buckley and Samuel Lees, on the South by the Turnpike Road leading from Saddleworth to Stalybridge, usually called the Ridge Hill and Lanes, and Hole House Turnpike Road, on the East by a narrow Strip of Land lying between the said Land of the Company and the Huddersfield Canal, and forming Part of or connected with the Embankment of that Canal, and on the West by a newly formed Road leading from the said Turnpike Road to the said Mill and Land of the said Messieurs Samuel Buckley and Samuel Lees.

PART II.

Lands situate in the said Hamlet of Micklehurst in the Township of Tintwistle and Parish of Mottram-in-Longdendale, now in the Occupation

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Occupation of Samuel Buckley and Samuel Lees and John Platt, or some of them, bounded on the North by Shadows Lane, on the South by the Cotton Mill and Land occupied by the said Messieurs Samuel Buckley and Samuel Lees, on the East by a narrow Strip of Land lying between the Land now describing and the Huddersfield Canal, and forming Part of or connected with the Embankment of that Canal, and on the West by the River Tame.

PART III.

Lands belonging to the Company situate in the Borough of Stalybridge, bounded on the Northerly Side in part by the Southerly End of Gerrard Street, in other Part by the Southerly Side of Winton Street, and on the remaining Part by Land and Buildings of Mr. Hugh Hassall, on the Easterly Side in part by the Westerly Side of Lawton Street, in other Part by the Westerly Side of Gerrard Street, and on the remaining Part in an irregular Line by Land and Buildings of Messieurs George Cheetham and Sons, on the Southerly Side in part by the Northerly Side of a Road or Way leading from Gas Street to the Cotton Mills of the said George Cheetham and Sons, and on the remaining Part in an irregular Line by the Northerly Side of Gas Street, and on the Westerly End by Land of Mr. Edward Cheetham.

Lands belonging to the Company situate at Spring Grove in Stayley in the County of Chester, bounded on the North-westerly and South-easterly Sides respectively by the Demesne Lands in Stayley aforesaid, on the North-easterly Side by a Rivulet or Brook called Stayley Brook, and on the South-westerly Side by a Road or Way leading from the Turnpike Road between Stalybridge and French Top in Saddleworth to the Huddersfield Canal.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,

Printers to the Queen's most Excellent Majesty, 1867.