



**CHAP. liii.**

An Act for the granting of further powers to the Warrington Gaslight and Coke Company. A.D. 1871.  
[16th June 1871.]

**W**HEREAS by "The Warrington Gas Act, 1847," the Warrington Gaslight and Coke Company (who are herein referred to as "the Company") were incorporated for the purpose of lighting with gas the town and borough of Warrington in the counties of Lancaster and Chester, and the townships of Warrington, Poulton-with-Fearnhead, Winwick-with-Hulme, Great Sankey, and Burtonwood, in the county of Lancaster, and Latchford, Grappenhall, and Appleton, otherwise Hull-and-Appleton, in the county of Chester, and by that Act it was provided that the capital of the Company should be thirty-six thousand pounds, divided into one thousand eight hundred shares of the nominal value of twenty pounds each, and the Company were also thereby empowered to borrow the sum of twelve thousand pounds:

10 & 11 Vict.  
c. xliv.

And whereas since the passing of the recited Act the trade and population of the said borough and of the adjacent townships and suburbs, and the number of streets, houses, manufactories, and works, have greatly increased and are still increasing:

And whereas it is expedient that the limits within which the Company may supply gas should be extended:

And whereas the Company have raised and expended the whole of the said share capital, and now owe on bond twelve thousand pounds, and the Company require further capital, and it is expedient that they be authorised to raise the same in manner by this Act authorised, and that the powers and provisions of the recited Act should be amended and enlarged to enable them the more effectually to carry on their undertaking:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with

A.D. 1871. 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; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Warrington Gas Act, 1871."

Provisions of general Acts herein named incorporated.

2. The provisions in "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The making of dividends; and

The giving of notices:

Parts 1, 2, and 3 of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock, as amended by "The Companies Clauses Act, 1869;" and

"The Gasworks Clauses Act, 1847,"

are (except where expressly varied by this Act, or inconsistent with the express provisions thereof,) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in construing this Act, and in construing for the purposes of this Act the Acts incorporated herewith, the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Limits within which Company may supply gas.

4. The limits within which the Company may supply gas shall extend to and include, in addition to the borough, townships, and places within the limits of the recited Act, the townships of Penketh, Southworth-with-Croft, and Woolston-with-Martinscroft, all in the county of Lancaster, and the townships of Thelwall, Walton Superior,



Walton Inferior, Acton Grange, Moore, Daresbury, Hatton, and Stretton, all in the county of Chester, and it shall be lawful for the Company, for the purpose of supplying gas within such extended limits, to exercise the same powers as they could have exercised if such extended limits had been included within the limits of the recited Act. A.D. 1871.

5. In addition to the capital authorised by the recited Act, the Company may from time to time raise by the creation of new shares such further sum or sums as they may think proper, not exceeding in the whole seventy-two thousand pounds, in shares of twenty pounds each. Power to raise additional capital.

6. The Company shall not issue any such share, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof. New 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. The proprietors of any shares or stock (other than debenture stock) to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would entitle them to if the same were original shares or stock of the Company. As to votes of proprietors in such shares.

9. If any money be payable to a shareholder being a minor, idiot, lunatic, or person of unsound mind, the receipt of his or her respective guardian or committee, or of either of his or her respective guardians or committees, if more than one, shall be a sufficient discharge to the Company for the same. Receipts of guardians, &c. to be sufficient discharge.

10. It shall not be lawful for the Company in any year to make out of their profits any larger dividend on the additional capital of seventy-two thousand pounds to be raised under the powers of this Act than seven pounds by the year in respect of every one hundred pounds actually paid up of such capital. Limit of dividend on new capital.

11. The Company may from time to time under the powers of this Act borrow on mortgage of their undertaking any sums not exceeding eighteen thousand pounds, in addition to the sum they are authorised to raise by the recited Act, but no part of any of the said sum of eighteen thousand pounds shall be borrowed until the Company shall have given proof to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Power to borrow on mortgage.



A.D. 1871.

Act, 1845, before he so certifies, that the whole of the said additional capital of seventy-two thousand pounds has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such 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 appointment 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 authorise the appointment of a receiver in respect of principal, or of 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 four thousand pounds.

Existing mortgages and bonds to have priority.

**13.** All mortgages and bonds granted by the Company in pursuance of any Act of Parliament, and which shall be subsisting at the time of the passing of this Act, shall during the continuance of such mortgages and bonds have priority over any mortgages or debenture stock to be granted or issued by virtue of this Act.

Debenture stock.

**14.** The Company may create and issue debenture stock.

Application of moneys.

**15.** All moneys raised under this Act by the Company, whether by shares, debenture stock, or borrowing, shall be applied only for the purposes by the recited Act or this Act authorised.

Lands upon which gas may be manufactured.

**16.** The Company shall not manufacture gas, nor residual products arising in the manufacture of gas, except upon the lands described in the schedule to this Act, and, except upon those lands, the Company shall not construct any works for the storage of gas within three hundred yards of any dwelling-house, without the consent in writing of the owners, occupiers, and lessees of such dwelling-house.

Company may manufacture, &c. meters and gas apparatus.

**17.** The Company may manufacture, purchase, or hire gas meters, and any apparatus or fittings, tubes, pipes, and other articles and things connected with gasworks, or with the supply of gas, and may sell or let the same.

Power to use patented inventions, &c.

**18.** The Company may take and hold any license or authority under any letters patent to use any inventions relative to the manufacture or distribution of gas, or the utilization of the residual products arising in the manufacture of gas, but they shall not



acquire by any such license or authority any right or privilege in any respect of an exclusive character. A.D. 1871.

**19.** The Company may, with the consent of the owner and occupier of any building, lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, or discontinue and remove any such pipe, branch, or apparatus.

Company may lay pipes against buildings.

**20.** Every consumer of gas supplied by the Company shall, on being required by the Company so to do, consume such gas by meter.

Consumers may be required to consume by meter.

**21.** Every consumer of gas supplied by the Company may, at his own expense, provide his own meter, provided the same be duly stamped according to law.

Consumer may provide meter.

**22.** The register of the meter shall be *primâ facie* evidence of the quantity of gas consumed by any customer of the Company, and in respect of which any rent is charged and sought to be recovered by the Company.

Register of meter *primâ facie* evidence.

**23.** Every consumer of gas supplied by the Company shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the Company is registered in proper order for correctly registering such gas, in default whereof the Company may cease to supply gas through such meters; and the Company shall at all reasonable hours have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to such consumer, such taking off, removal, testing, inspection, and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

Repair of meters.

**24.** The Company may, after giving twenty-four hours notice in writing under the hand of their manager or secretary to the occupier, or if unoccupied, then to the owner, of any land, house, or building in which any pipes, mains, meters, fittings, or apparatus belonging to the Company are laid or fixed, and through or in which the supply of gas shall by the desire, neglect, or default of the owner or occupier be discontinued, enter such land, house, or building between the hours of eight in the morning and six in the evening for the purpose of removing and to remove such pipes, mains, meters, fittings, or apparatus, repairing all damage caused by such entry or removal, and every such notice shall be served by being delivered to

Power to remove meters and fittings.

A.D. 1871.

the person for whom it is intended, or left at his last known or usual place of abode in England, or sent by post addressed to such person, or in case the owner or lessee of any such unoccupied house or building be unknown to the Company after due inquiry, then by affixing it for three days to some conspicuous part of the house or building.

Fraudulently  
injuring  
meters, &c.

**25.** If any person shall wilfully, fraudulently, or by culpable negligence injure, or suffer to be injured, any such pipes, mains, meters, or fittings, or other thing connected therewith, belonging to the Company, or shall alter the index to any meter, or fraudulently alter any part of such meter, or any pipes connected therewith, or in any way fraudulently, wilfully, or knowingly prevent such meter from duly registering the quantity of gas supplied, or by any means fraudulently abstract, consume, or use the gas of the said Company, every person so offending shall for every such offence forfeit to the Company any sum not exceeding five pounds, and the Company may in addition thereto recover the amount of any damage sustained by them, and may also discontinue the supply of gas to the person or company so offending, notwithstanding any contract previously existing; and the existence of artificial or irregular means for causing such alteration or abstraction when such meter shall be under the custody or control of the consumer shall be *prima facie* evidence that the same has been knowingly, wilfully, and fraudulently caused by the consumer using such meter: Provided always, that this enactment shall not prejudice any right of the Company to institute any criminal proceedings in reference to such offence in any case where they shall not proceed summarily under this Act.

For prevent-  
ing frauds  
and waste  
of gas.

**26.** If and whenever any person supplied with gas by the Company wilfully does, causes, or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of the Company's gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains, and also may recover in any court of competent jurisdiction from any person so offending the amount of all loss, damage, or injury which the Company may sustain by reason of any such thing or failure, and the remedies of the Company under this enactment shall be in addition to their other remedies in that behalf.

Recovery  
of charges  
for supply  
of gas, &c.

**27.** If any person shall neglect to pay any sum or sums of money due to the Company for the supply of gas, or for the hire or fixing of meters or fittings, for the space of fourteen days after demand thereof by the Company, their agent or collector, it shall be



lawful for the Company or the directors, or any person acting under their authority, to summon the party in default before a justice, and the justice may order that the sum so due, or any part thereof, may be levied by distress and sale of the goods and chattels of the person neglecting to pay the same, the surplus, if any, being rendered to the person so neglecting to pay, after deduction of the necessary charges for such distress and sale, and the justice shall issue his warrant accordingly. A.D. 1871.

**28.** Any one summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums. Contents of warrant.

**29.** Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay the money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money. Warrant shall include costs.

**30.** Whenever any person neglects to pay any gas rate, meter rent, or other sum due to the Company, the Company may recover the same with full costs of suit in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedies of the Company under this enactment shall be in addition to their other remedies in that behalf. Recovery of sums due to Company.

**31.** No justice or judge of any county court or quarter sessions shall (except as is by this Act otherwise provided) be disqualified from acting in the execution of this Act by reason of his being liable under this Act to any gas rate, meter rent, or other charge under this Act, or of his being a shareholder of the Company. Liability to gas rate not to disqualify justices.

**32.** The maximum price to be charged by the Company for gas supplied by them within the borough of Warrington shall be four shillings per thousand cubic feet, and for all places beyond that borough the Company shall, in addition to the price for the time being charged by them within the borough, charge not less than the minimum charge nor more than the maximum charge herein-after mentioned, according to the distance at which the place supplied is from the boundary of the said borough; that is to say, Price of gas.

For all places	Minimum additional charge.	Maximum additional charge.
Within 1 mile of the said boundary (measured in a direct line).	0 6	1 0
„ 2 „ „	1 0	1 6
„ 3 „ „	1 6	2 0
„ 4 „ „	2 0	2 6



A.D. 1871. — Provided always, that if payment be made within one month from the delivery of the half-yearly account the Company shall make a deduction by way of discount at the following rates; that is to say,

To consumers whose consumption of gas for the half year shall not have exceeded 100,000 cubic feet, at the rate of sixpence per 1,000 cubic feet of gas consumed:

To consumers whose consumption of gas for the half year shall have exceeded 100,000 cubic feet but shall not have exceeded 800,000 cubic feet, at the rate of sevenpence per 1,000 cubic feet of gas consumed:

To consumers whose consumption of gas for the half year shall have exceeded 800,000 cubic feet, at the rate of eightpence per 1,000 cubic feet of gas consumed.

As to quality of Company's gas.

**33.** All the gas supplied by the Company shall be of such illuminating power as to produce from an argand burner consuming five feet of gas per hour a light equal in intensity to the light produced by sixteen sperm candles of six to the pound, burning one hundred and twenty grains per hour.

Company to maintain a meter to test illuminating power of gas.

**34.** The Company shall maintain in some convenient place in the works of the Company an experimental meter furnished with an argand burner capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing, and so situate as to 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 the gas.

**35.** It shall be lawful for two justices of the peace from time to time by order in writing, and on the requisition in writing of any five or more persons being consumers of the gas of the Company, to appoint some competent person, not being an officer or servant of the Company, to test the illuminating power of the gas, and the person so appointed may at any reasonable hour in the daytime, 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 any two justices, not being shareholders of the Company, 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 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, to be paid to the consumers signing the requisition.

A.D. 1871.

**36.** 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 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 such costs shall be ascertained by the justices, and shall be paid by the persons signing the requisition, in equal shares.

Costs of experiment to be paid according to event.

**37.** Where any consumer of the gas of the Company leaves the premises where the gas has been supplied to him without paying to the Company the gas rate or meter rent due from him, the Company shall not be entitled to require from the next tenant of the premises the payment of the arrears left unpaid by the former tenant, unless the incoming tenant agreed with the former tenant to pay or exonerate him from the payment of the arrears.

Incoming tenant not liable to arrears of rent.

**38.** Any works to be constructed, laid down, or executed in exercise of the powers conferred by this Act in any way affecting any railway or canal belonging to the London and North-western Railway Company, or any of the bridges or works or towing-paths thereof, or any lands or property belonging to that company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that company, and according to plans and at such times as shall be reasonably approved by him before any such works are begun, but in all things at the expense of the Company, and so as to cause no injury to or interference with any such railway, canal, bridges, works, towing-paths, lands, or property, or the passage or conduct of traffic over or on any such railway or canal, or at any station or wharf thereof; and if any such injury or interference shall arise to any such railway, canal, bridges, works, towing-paths, lands, or property, or with any such traffic, the Company shall make full compensation to that company in respect of such injury or interference.

As to works affecting London and North-western Railway Company.

**39.** Save as is herein expressly mentioned, nothing in this Act contained shall extend or be construed or deemed to extend to extinguish, abridge, interrupt, prejudice, or affect any of the rights, powers, privileges, or authorities of the mayor, aldermen, and burgesses of the borough of Warrington, or of the Warrington Waterworks Company, or of the devisees in trust of the late Duke of Bridgewater, or of the Company and Proprietors of the Mersey and Irwell Navigation, under or by virtue of any Act or Acts of Parliament, or otherwise howsoever.

Reservation of rights of the Corporation of Warrington, and the Warrington Waterworks Company, the Bridgewater Trustees, and the Mersey and Irwell Navigation Company.

A.D. 1871.

Expenses of  
Act.

40. All the costs, charges, and expenses of and incidental to the applying for, obtaining, and passing this Act shall be paid by the Company.

---

---

SCHEDULE referred to in the foregoing Act.

---

Land situate in the borough of Warrington in the county of Lancaster, bounded on the north-east by Academy Street, on the north-west by Chrimes Yard and a house and yard in the occupation of Mr. Fairclough, on the south-west by Lower Bank Street and Upper Bank Street, and on the south-east by Mersey Street, and containing in the whole four acres, little more or less.

---

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1871.