



## CHAPTER liv.

An Act for conferring further powers on the Altrincham Gas Company for the construction of works acquisition of lands laying down and maintenance of tramway and works the raising of additional capital and for other purposes. A.D. 1893.  
[9th June 1893.]

**W**HEREAS by the Altrincham Gas Act 1872 (in this Act referred to as "the Act of 1872") the Altrincham Gas Company (herein-after referred to as "the Company") were incorporated for the purpose of making and maintaining the works by that Act authorised and for supplying gas within the limits of that Act and generally for carrying the powers of that Act into execution:

And whereas the capital of the Company authorised by the Act of 1872 is eighty thousand pounds and consists of—

Thirty thousand pounds original capital with a maximum dividend of ten pounds per centum per annum and ten thousand pounds original capital and forty thousand pounds additional capital with a maximum dividend of seven pounds per centum per annum:

And the Company are by the Act of 1872 authorised to borrow ten thousand pounds (inclusive of a debt of four hundred pounds existing at the passing of the said Act) in respect of the original capital of forty thousand pounds and five thousand pounds in respect of the said additional capital:

And whereas the whole of the original share capital authorised by the Act of 1872 has been issued and paid up and the whole of the additional capital thereby authorised has been issued and called up and the Company have paid off the aforesaid debt of four hundred pounds:

And whereas the Company have authorised the exercise of the borrowing powers granted by the Act of 1872 to the amount of five thousand pounds but the Company have not as yet borrowed any money on mortgage or bond or debenture stock:



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And whereas the demand for gas within the limits of the Act of 1872 is increasing and the existing works of the Company and the lands whereon they are erected and are authorised to be erected are or will shortly be insufficient to enable the Company to meet such demand and it is expedient that the Company be authorised to acquire further lands and to construct additional works as by this Act provided :

And whereas the existing road between the Company's gasworks and the sidings at the station at Altrincham of the Manchester South Junction and Altrincham Railway Company is circuitous in direction and as to parts thereof steep in gradient thereby causing to the Company excessive expense for the haulage of their coals and other materials used or produced at their works and the Company are willing at their own expense to lay down and maintain the tramway and works herein-after described to connect their gasworks with the goods yard and sidings of the said station and with that object to widen where necessary the several roads in the parish of Bowdon in the county of Chester herein-after mentioned :

And whereas the roads in and along which it is proposed to lay the said tramway are open country roads with but few houses fronting thereto and the construction and working of the said tramway would in no way interfere with the ordinary traffic but the district in view of its future development would be benefited by the widening and improvement of the said roads and the cheapening of the manufacture of gas and residual products by the Company :

And whereas the construction of the said tramway and the widening and improvement of the said roads would be of public and local advantage and it is expedient that the Company be empowered so to do :

And whereas it is expedient that the Company be authorised to enter into arrangements and agreements with the Altrincham Local Board and the highway board for the district of the Eastern Division of the hundred of Bucklow with respect to the construction of the tramway and works hereby authorised and the maintenance of roads as herein-after provided :

And whereas it is expedient that the Company be empowered to raise further share and loan capital for the purposes of their undertaking :

And whereas it is expedient that the Act of 1872 should be amended as by this Act provided and that such other provisions be made with respect to the Company and their undertaking as are in this Act contained :



And whereas a plan showing the lands which may be taken under the powers of this Act and plans and sections showing the situation lines and levels of the said tramway and works authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands have been duly deposited with the clerk of the peace of the county of Chester and are herein-after respectively referred to as "the deposited plans and sections and book of reference":

And whereas the objects of this Act cannot be obtained 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:—

1. This Act may be cited for all purposes as the Altrincham Gas Act 1893. Short title.

2. The Act of 1872 and this Act may be cited together as the Altrincham Gas Acts 1872 and 1893.

3. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act:—

The Lands Clauses Acts:

The Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871:

The clauses and provisions of 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 the non-payment of calls;

The remedies of creditors 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;

The giving of notices;

The provision to be made for affording access to the special Act by all parties interested:

Acts of  
Company  
to be read  
as one Act.  
Incorporation of  
general  
Acts.

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Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 :

And section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870.

Interpretation.

4. 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 :

The expression "the Company" means the Altrincham Gas Company :

The expression "the undertaking" means the undertaking of the Company :

The expression "the tramway and works" means the tramway tramroads and widening of roads authorised by this Act and the works connected therewith :

And 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 for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to hold land agreed to be purchased.

5. The Company may hold and use for the purposes of their undertaking and of this Act the piece of land described in Part II. of the schedule to this Act and now in the possession of the Company.

Powers as to construction and maintenance &amp;c. of gas-works.

6. Subject to the provisions of this Act the Company may from time to time maintain alter enlarge extend improve renew or discontinue their existing gasworks on the lands on which the same are erected or any part thereof and which are described in Part I. of the schedule to this Act and they may also upon the lands described in Parts I. and II. of the said schedule erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains and sewers mains pipes meters lamps lampposts burners stopcocks machinery and other works apparatus appliances and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within their limits of supply and may make store and supply gas accordingly and may manufacture sell provide and deal in meters stoves fittings tubes



pipes and other articles and things in any way connected with the gasworks or with the supply and storage of gas as they think fit.

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7. The Company may for the purposes of their undertaking purchase take and hold by agreement but not otherwise in addition to the lands described in the schedule to this Act and to any lands which they have acquired or are authorised to acquire under the Act of 1872 any lands and hereditaments not exceeding in the whole two acres which the Company may from time to time require for the purpose of their works and undertaking including (subject to the provisions of section 5 of the Gasworks Clauses Act 1871) the storing of gas but the Company shall not create or permit a nuisance on any such lands and no lands shall be used for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Power to purchase other lands.

8. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to superfluous lands from time to time let sell exchange or dispose of any lands together with any buildings or erections thereon which they may not for the time being require for the purposes of their undertaking.

The Company may sell land not required.

9. The Company may manufacture provide or hire and may supply sell or let burners tubes and stoves or ranges for heating or cooking by means of gas and any other materials or fittings for the use of gas for domestic or other purposes and also engines and machines for domestic manufacturing agricultural industrial or any other purposes whatever to be worked by means of gas for the production of motive power and any materials or fittings to be used in connection therewith and charge for any stoves engines machines fittings and other things supplied sold or let under the powers of this Act such price rent or sum as may be agreed upon between the Company and the other party to any such agreement.

Power to supply gas fittings engines and other apparatus.

10. The Company may on the request of the owner or occupier of any property within the limits of the Company's supply give and continue to give a supply of gas for heating and ventilating such premises or for motive power cooking or other purpose on such property and may furnish and lay any pipes stoves apparatus fittings or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid.

Power to supply gas for heating.

11. The Company may if they think fit allow discounts or rebates not exceeding in any case ten pounds per centum to consumers of gas in consideration of prompt payment of gas rates or rents or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing

Discounts.



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Power to construct dwellings for Company's servants.

**12.** The Company may from time to time on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for any officers and servants employed by the Company for the purposes of their undertaking.

Power to raise additional capital.

**13.** The Company may from time to time raise additional capital not exceeding in the whole forty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock (if such share or stock shall be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of forty thousand pounds.

Qualification of new shares or stock.

**14.** The additional capital from time to time raised by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as otherwise provided in respect of such capital by the provisions of this Act the holders of shares or stock in such additional capital 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 stock in the original capital Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be attached.

Repeal of sections 26 and 47 of Act of 1872.

**15.** Subject to the provisions of this Act section 26 (limit of dividend) and section 47 (limit of quantity of land to be held) of the Act of 1872 are by this Act repealed.

Profits of Company limited.

**16.** The profits of the Company to be divided among the shareholders in any year shall not exceed the following rates (which are in this Act referred to as the standard rates of dividend) (that is to say) On thirty thousand pounds original capital part of the original capital of forty thousand pounds the rate of ten pounds in respect of every one hundred pounds of such capital on ten thousand pounds



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balance of the original capital of forty thousand pounds and on the additional capital of forty thousand pounds authorised to be raised by the Act of 1872 and issued as ordinary shares the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital and on the additional capital authorised to be raised by this Act the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

17. In case in any year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividends at the prescribed maximum rates on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividends of each class.

Dividends on different classes of stock or shares to be paid proportionately.

18. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

New shares or stock to be offered by auction or tender.

19. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

20. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the Local

Notice to be given as to sale of



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Shares or  
stock.

Board for the district of Altrincham and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said district.

Shares or  
stock not  
sold by  
auction or  
by tender  
to be  
offered to  
shareholders.

**21.** When any shares [or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to and in accordance with the foregoing provisions of this Act with respect to the sale of shares and stock created under the powers of this Act but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock are sold.

Application  
of premium  
arising on  
issue of  
shares or  
stock.

**22.** Any sum of money which shall arise by way of premium from the issue of any shares or stock after deducting therefrom the expenses of and incident to the issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that in any case where a power to raise money by borrowing or to create an insurance fund is made proportionate to the paid-up capital the premiums received from the sale of shares by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

Power to  
borrow in  
respect of  
additional  
capital.

**23.** In addition to the sum of fifteen thousand pounds which the Company are authorised to borrow under the powers of the Act of 1872 the Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall



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have been fully paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up 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.

24. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act unless in either case all dividends on the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

25. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Priority of principal moneys secured by existing mortgages.

26. Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

Repeal of provision of former Act with respect to appointment of receiver.

27. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

For appointment of receiver.

28. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863

Debenture stock.



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but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Pressure of gas.

**29.** Section 55 of the Act of 1872 is hereby repealed and from and after the quarter day next after the passing of this Act all gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall *mutatis mutandis* apply to such testing of pressure and two hours' previous notice should be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

**30.** From and after the quarter day next after the passing of this Act the prescribed number of candles shall be sixteen.

Burner.

**31.** The prescribed burner shall be Sugg's London Argand burner No. 1 with a six-inch by one and three-quarter inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Limiting the price of gas.

**32.** From and after the expiration of two years from the passing of this Act the price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings per one thousand cubic feet.

Power to make tramway.

**33.** Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may make form and lay down work use and maintain the tramway and works herein-after described wholly situate in the parish of Bowdon in the county of



Chester in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference and therein numbered 1 to 11 both inclusive as may be required for those purposes.

The tramway tramroad or lines of rails and works herein-before referred to and authorised by this Act are—

A single line of rails or tramroad (No. 1) on the gauge of four feet eight and a half inches and three chains and twenty links or thereabouts in length commencing in the township of Altrincham in the said parish and at the easterly side of the Manchester South Junction and Altrincham Railway Company's land north of the public highway known as "Moss Lane" at a point six yards or thereabouts measured north of the south-east corner of such Company's land and terminating at a junction with the tramway (No. 2) next herein-after mentioned at the south-westerly corner of Moss Lane and Oakfield Road both in Altrincham aforesaid :

A tramway (No. 2) single line on the gauge aforesaid and one furlong nine chains and thirty links or thereabouts in length commencing in Altrincham aforesaid by a junction with the termination of the tramroad (No. 1) proceeding thence across Oakfield Road and along the north side of Moss Lane in an easterly direction and terminating in the township of Hale and parish of Bowdon at the west corner of the occupation road leading to the southern entrance of the Company's gasworks at a point seventy yards or thereabouts east of the boundary line between the townships of Altrincham and Hale :

A single line of rails or tramroad (No. 3) on the gauge aforesaid and three chains and twenty links or thereabouts in length commencing by a junction with the said tramway (No. 2) at the point of its termination aforesaid and terminating at the said southern entrance of the Company's gasworks at or near the boundary line between the said townships of Altrincham and Hale :

A widening (No. 4) of the said Moss Lane to a minimum width of thirty-eight feet three inches from the easterly corner of Oakfield Road aforesaid at its junction with the said Moss Lane to the junction of the said lane with the lane known as "Gas Lane" in Altrincham aforesaid :

A widening (No. 5) of the said Moss Lane to a minimum width of thirty-two feet three inches from the said junction with Gas



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Lane to the westerly corner of the said occupation road leading to the Company's gasworks :

Provided nevertheless that it shall not be lawful for the Company to commence to lay down the said tramways or any part thereof along the said Moss Lane until the Company shall have first completed the said widenings (4) and (5) in accordance with the provisions of this section to the reasonable satisfaction of a surveyor to be appointed by the Board of Trade.

Correction of errors in deposited plans and book of reference.

**34.** If there be any omission or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Chester for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Chester and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Power to take easements by agreement.

**35.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

**36.** The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of



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the Local Government Board ten or more houses which were not so occupied on the said 15th day of December but have been or shall be subsequently so occupied For the purposes of this section "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

**37.** Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 the sum of ninety-one pounds being five pounds per centum upon the amount of the estimate in respect of the tramway and works has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the Company their successors or assigns herein-after referred to as "the depositors" unless the Company shall previous to the expiration of the period limited by this Act for the completion of the tramway and works open the same for their own traffic and if the Company shall make default in so opening the tramway and works the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramway and works then on production of a certificate of the Board of Trade specifying the length of the portion of the tramway and works opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramway and works so opened bears to the entire length of the tramway and works hereby authorised the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Deposit money not to be repaid except so far as tramway opened.

**38.** If the Company do not previously to the expiration of the period limited for the completion of the tramway and works complete the same and open it for their own traffic then and in every such case the deposit fund or so much thereof as shall not have been

Application of deposit fund.



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paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramway and works or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and also in compensating all road authorities for the expense incurred by them on taking up any tramway and works or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and works and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid and transferred to such receiver or to the liquidator or liquidators of the Company to be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Limit of time for compulsory purchase of lands.

Period for completion of works.

**39.** The powers of the Company for the compulsory purchase of lands for the purpose of this Act shall cease after the expiration of one year from the passing of this Act.

**40.** The tramway and works shall be completed within two years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Inspection by Board of Trade.

**41.** The tramway and works shall not be used for traffic until they have been inspected and certified to be fit for traffic by the Board of Trade.



42. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Company may and shall from time to time alter or as the case may be lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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Tramways to be kept on level of surface of road.

43. The rails of the tramway shall be such as the Board of Trade may approve.

As to rails of tramway.

44. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and works by this Act authorised and the substructure upon which they rest and if the Company at any time fail to comply with this provision or with the provision of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day in which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of the district in which the tramway and works or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Penalty for not maintaining rails and roads.

45. All carriages trucks or other vehicles used on the tramway and works shall be moved by animal power only.

Animal power only to be used on tramway and works.

46. Every sanitary authority and road authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary and road authority as if the same were a pipe for the supply of gas or water.

Sanitary and road authorities to have access to sewers.

47. For the protection of the highway board for the Eastern Division of the hundred of Bucklow (in this section called "the board") the following provisions shall have effect unless otherwise

For the protection of the highway board of the



A.D. 1893. agreed on in writing by the Board and the Company (that is to say) :—

Eastern  
Division  
of the  
hundred of  
Bucklow.

(1.) The Company shall within six months after the commencing in Moss Lane of any of the works by this Act authorised form make drain channel and complete as a good and substantial road of the width shown in that behalf on the deposited plans that portion of Moss Lane which lies between the boundary line of the said townships of Altrincham and Hale and the end of the private road leading to the Altrincham Gasworks and shall make kerb and complete on the northern side of the said road between the said points a footway not less than 5 feet wide and shall also if and when so required in writing by the Highway Board make kerb and complete a like footway on the southern side of the said road between the same points :

(2.) The Company shall maintain and keep in good repair the said road and the said footway or footways as the case may be for a period of twelve months from the date of their respective completion and shall also maintain and keep in good repair in perpetuity so much of the said portion of road between the said points as lies between the rails of the tramway and as extends 18 inches beyond the said rails on each side of the tramway :

(3.) The foregoing works and things for the protection of the Board shall be made and done by and at the costs in all things of the Company and to the reasonable satisfaction of the Board and if any question arise between the Board and the Company touching this section such question shall be determined by a surveyor to be appointed (unless otherwise agreed on) on the application of either of the parties by the President of the Institution of Civil Engineers and the cost of the reference and award shall be borne as he shall direct.

Application  
of road  
materials  
excavated  
in construc-  
tion of  
works.

48. Any paving metalling or material excavated by the Company in the construction of the tramway and works from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any part of the tramway and works within the district of such road authority of so much of the roadway on either side of such tramway and works as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days



after the setting aside of the surplus arising from the excavation of any such paving metalling or material and the notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and the road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between promoters and any road authority.

A.D. 1893.

49. The Company on the one hand and the local board for the district of Altrincham and the highway board for the district of the Eastern Division of the hundred of Bucklow or all or any of them on the other hand may enter into agreements contracts or arrangements with respect to the construction of the tramway and works hereby authorised and the maintenance and repair of the roads over and along which they are constructed and laid.

As to agreements with local and road authorities.

50. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and of the Act of 1872 and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Application of moneys.

51. The Company may apply to the purposes of this Act to which capital is properly applicable any money which they have raised or which they have power to raise by the Act of 1872 and which may not be required for the purpose to which it is by such Act made specially applicable.

Power to apply corporate funds to purposes of Act.

52. It shall not be necessary for the auditors appointed by the Company to hold shares or stocks in the capital of the Company.

Auditors need not be shareholders.

53. The Company may require any consumer to give security for the payment of gas or meter rates or the rents of any meters stoves engines apparatus and appliances The Company shall allow interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands subject however to the right of the Company to set off the same against any money due to the Company from such person.

Company to allow interest on moneys deposited as security.

54. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by them without paying to them all gas and meter rent or moneys due

Power to refuse to supply persons in debt



A.D. 1893.

for other  
premises.Form and  
service of  
notices by  
Company.

from him to the Company they may refuse to furnish to him a supply of gas until he pay the same.

**55.** Any notice to be served by the Company on a person supplied with gas may be made in writing and shall be sufficiently authenticated by the name of the secretary or manager to the Company or if it be a notice to pay any charge in respect of the supply of gas by the name of the collector of the Company being affixed thereto or by a stamp and any such notice may be served on a person in manner provided by section 45 of the Gasworks Clauses Act 1871.

Representa-  
tion of  
Company  
in bank-  
ruptcy.

**56.** In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement with creditors the secretary of the Company or any person appointed in that behalf by writing under the hands of two directors may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Penalties  
not cumula-  
tive.

**57.** Penalties imposed under this Act and the Acts wholly or partially incorporated herewith for one and the same offence shall not be cumulative.

Costs of Act.

**58.** All the costs charges and expenses of incident and preliminary to the preparing and applying for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.



## SCHEDULE.

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A.D. 1893.

### PART I.

All that piece of land now belonging to the Company and occupied as to part by them and as to part by their tenant Thomas Jackson situate in the township of Altrincham in the parish of Bowdon in the county of Chester and containing by admeasurement 4 acres 3 roods 0½ perches statute measure or thereabouts and bounded on the most northerly side in part by an occupation road and in part by the central line of an intended new road ten yards wide on the most easterly side by the land described in Part II. of this schedule on the most southerly side by land belonging or reputed to belong to the trustees of the late Earl of Stamford and Warrington and on the most westerly side by land and buildings belonging or reputed to belong to Mr. William Pollitt.

### PART II.

All that piece of land now in the possession of the Company under an agreement for purchase dated the 23rd day of December 1878 and made between the Right Honourable George Harry Earl of Stamford and Warrington of the one part and the Company of the other part containing by admeasurement 3 roods 37 perches statute measure or thereabouts and bounded on the most northerly side by the central line of the said intended road 10 yards wide on the most easterly side by land belonging or reputed to belong to the trustees of the late James Barratt on the most southerly side by land belonging to or reputed to belong to the trustees of the late Earl of Stamford and Warrington and on the most westerly side by the land described in Part I. of this schedule.

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