



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. cxii.

An Act for enabling the Directors of the *Manchester* Gas Works to purchase Land, Buildings, and Apparatus for the Extension of their Works. [12th July 1837.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for better lighting with Gas the Town of Manchester in the County Palatine of Lancaster*: And whereas another Act was passed in the Ninth Year of the Reign of His said late Majesty, intituled *An Act to amend several Acts for cleansing, lighting, watching, improving, and regulating the Towns of Manchester and Salford in the County Palatine of Lancaster*: And whereas another Act was passed in the Eleventh Year of the Reign of His said late Majesty, intituled *An Act to amend several Acts for supplying the Town of Manchester with Gas, and for improving and regulating the same Town*: And whereas another Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to authorize the raising of further Monies for supplying the Town of Manchester with Gas*: And whereas the Directors acting in execution of the said recited Acts, or some of them, and pursuant to the Authorities therein respectively contained, have raised the several Sums of Thirty-five thousand Pounds, Twenty-five thousand Pounds, and Forty-eight thousand seven hundred and fifty Pounds, making the aggregate Sum of One hundred and eight thousand seven hundred and fifty Pounds, and have expended such aggregate Sum in the Manner expressed and contained in the said first, third, and last recited

[Local.] 48 D Acts,

Acts, for or towards the establishing, improving, and extending certain Gas Works, and the several Articles, Matters, and Things therewith connected, within and belonging to the said Town of *Manchester*, and which, by virtue of the said several recited Acts, or one of them, are placed under the Control and Management of the said Directors for the Benefit of the Public, and the Profits derivable therefrom are applied for public Purposes, in pursuance of the Provisions contained in the said Acts: And whereas the Demand for Gas within the Limits authorized by the said recited Acts to be supplied has increased and continues to increase, but the present Works under the Management of the said Directors are inadequate to supply Gas to the Extent required for the Use of the Borough of *Manchester*, and such Works cannot be extended without the Expenditure of a large Sum of Money: And whereas, for the Purposes aforesaid, it is desirable that the said Directors should be invested with Power to purchase additional Land and Premises, and in particular there are at present certain Gas Works belonging to Mr. *James Fernley*, situate in *Hulme* within the Borough of *Manchester*, which are very conveniently situated for the Purposes of lighting with Gas all Parts of the said Borough, and which, together with the Land and Premises adjoining thereto, and the Matters and Things therewith connected, would form a most important Addition to the present Works under the Management of the said Directors, and if the Directors have the requisite Authority to contract for the Purchase thereof an Opportunity is now afforded of purchasing the same, upon Terms which will be advantageous to the Inhabitants of and the Gas Consumers within the Borough of *Manchester*; but 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 the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the said Directors and they are hereby empowered, upon such Terms and in such Manner as they may think fit, to contract and agree, by and on behalf of the Commissioners acting under the said recited Acts, (being the Commissioners for cleansing, lighting, watching, and regulating the Town of *Manchester*,) for the absolute Purchase of the said Gas Works, Lands, Tenements, and Hereditaments in *Hulme* aforesaid, or any Part thereof, (which said Gas Works, Lands, Tenements, and Hereditaments are bounded on the North-westerly Side thereof and on Part of the North-easterly Side thereof by Part of a certain River called the *Medlock*, and on the remaining Part of the North-easterly Side thereof by Land belonging to *Hugh Hornby Birley* Esquire and others, on Part of the Southerly Side thereof by One Half in Width of an intended Street of Eighteen Yards wide, to be called *Worcester Street*, and on the remaining Part of the Southerly Side thereof and on the South-westerly Side thereof by other Lands and Buildings belonging to the said *James Fernley*, and contain in the Whole Twelve thousand six hundred superficial square Yards of Land or Ground or thereabouts, be the same more or less,) either absolutely or for any Term or Terms of Years, with the said *James Fernley*, his Heirs, Executors, Adminis-
trators,

Power to
purchase the
Gas Works
in Hulme.

trators, or Assigns, or with any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or any Tenant or Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years, absolute or determinable on any Life or Lives, or with any Feoffee in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, or other Persons under any Disability of acting for themselves, who are or shall be seised, possessed of, or interested in their own Right, or with any Person or Persons whomsoever who shall be willing to sell the same, or his, her, or their Right and Interest therein, for the Uses and Purposes of the said Directors; and upon Payment of the Purchase Money for any such Gas Works, Lands, Tenements, and Hereditaments to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner herein-after expressly or by reference directed concerning the same, as the Case may be, such Gas Works, Lands, Tenements, and Hereditaments may be taken and used for the Purposes of this Act, and from thenceforth such Parties and Persons shall be divested of all Right, Title, Claim, and Interest of, in, and to such Gas Works, Lands, Tenements, and Hereditaments, and the same Gas Works, Lands, Tenements, and Hereditaments shall be vested in the said Commissioners acting under the said recited Acts and their Successors; and it shall and may be lawful to and for the said Commissioners to hold such Gas Works, Lands, Tenements, and Hereditaments, or any Term, Right, and Interest therein so purchased, without incurring or being subject to any Disabilities, Penalties, or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever.

II. And be it further enacted, That all Sales, Conveyances, and Assurances to be made of the Gas Works, Lands, Tenements, and Hereditaments to be purchased under the Provisions of this Act as aforesaid shall be made in the Form or to the Effect prescribed by the first-recited Act with respect to the Lands, Tenements, and Hereditaments to be purchased and taken under the Powers and Authorities contained in the same Act, and every such Conveyance and Assurance, either in the Form or to the Effect aforesaid, or in such other Form or to such other Effect as the Circumstances relative thereto may in the Judgment of the said Directors from Time to Time seem to require, shall to the full Extent provided by the said last-mentioned Act be good, valid, and effectual to all Intents and Purposes whatsoever, as to and against the Person or Persons making the same, and all Persons claiming or to claim by, from, under, or in Trust for him, her, or them respectively.

Form of
Conveyance.

III. And be it further enacted, That in the like Manner as the said Directors are herein-before authorized to purchase Gas Works Lands, Tenements, and Hereditaments as aforesaid, it shall and may also be lawful for the said Directors and they are hereby empowered to purchase on behalf of the Commissioners acting under the said recited Acts any Gasometers, Furnaces, Retorts, Main Pipes, Service Pipes, and other Pipes, Lamps, Lamp Pillars, Articles, Matters, and

Power to
purchase
Gasometers,
&c.

and Things situate and being within the Borough of *Manchester*, belonging to or in anywise connected with the said Gas Works, Lands, Tenements, and Hereditaments hereby authorized to be purchased as aforesaid, and for that Purpose to make and enter into and to receive and take such Agreements, Assignments, and Assurances as to the said Directors may seem most advisable and proper, subject nevertheless as herein-after mentioned, with respect to the Contract or Agreement entered into between the said *James Fernley* and the Constables and Burgesses or Commissioners of the said Township of *Chorlton upon Medlock*, for supplying Gas within the said Township.

Powers in first recited Act to extend to this Act.

IV. And be it further enacted, That for the better effecting the Object of this present Act all the Powers, Authorities, Clauses, and Provisions contained in the said first-recited Act for the Purpose of authorizing the Sale of Lands, Tenements, and Hereditaments for the Purposes of the same Act by Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years, Life or Lives, Trustees, Executors, Administrators, Husbands, Guardians, Committees for Lunatics or Idiots, or other Persons under Disability, or for the Purpose of giving Effect to such Sales, or relating thereto, and for vesting the Premises so purchased in the said Commissioners, and also for the Purpose of authorizing the Re-sale of any Lands, Tenements, or Hereditaments to be purchased, and which may not be found necessary for the Purposes of the said Act, and also the several Clauses and Provisions contained in the same Act concerning the Mode of Payment and Application of the Money to be paid for any Purchases to be made by the Authority thereof, shall in all respects be valid and have full Effect with reference to any Purchases to be made in pursuance of this present Act, or the Re-sale of any Lands, Tenements, or Hereditaments which may not be required for the Purposes thereof, or any Matter relating thereto, as if the same were herein repeated and enacted with reference to the Premises aforesaid.

Management of Gas Works vested in Directors.

V. And be it further enacted, That all the Control and Management of the said Gas Works, Lands, Tenements, and Hereditaments, and of all the Gasometers, Furnaces, Retorts, Main Pipes, Service Pipes, and other Pipes, and of all the Lamps, Lamp Pillars, Articles, Matters, and Things relating thereto, and which shall be held for the Purposes of this Act, shall from and after the Purchase thereof by the said Directors be vested in the said Directors (subject to the said Contract or Agreement); and it shall and may be lawful for the said Directors and they are hereby invested with full Powers and Authorities to manufacture and produce, and to contract with any Person or Persons for the Manufacture and Production, of inflammable Air, Carburetted Hydrogen, Oil Gas, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and for lighting with Gas the said Town of *Manchester* and the Neighbourhood and Environs thereof, but subject as herein-after mentioned with respect to the said Township of *Chorlton upon Medlock*, and to purchase and make Contracts for purchasing Materials, Goods, and Chattels for those Purposes, and to supply the Lamps provided or to be provided by the said Commissioners for

for executing the said recited Acts with Gas, and also from Time to Time to make Contracts with any Trustees, Surveyors of Highways, or other Persons, or Body or Bodies Politic, Corporate, or Collegiate, who may be willing to contract or agree with the said Directors for lighting any public Streets, Highways, Roads, Squares, Market Places, Courts, Yards, Passages, Bridges, Lanes or public Buildings within the said Town of *Manchester* or the Neighbourhood or Environs thereof, but subject as herein-after mentioned with respect to the said Township of *Chorlton upon Medlock* not under the Care and Management of and lighted by the said Commissioners under the said recited Acts, or for the lighting any Manufactories, Warehouses, and Shops, or private Houses or Buildings, of whatever Denomination the same may be, or any of them, within the said Town and the Neighbourhood or Environs thereof, or each or any of them, but subject as herein-after mentioned with respect to the Township of *Chorlton upon Medlock*, and to sell and dispose of such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and other Products as aforesaid, and to make, enforce, rescind, compound or compromise all Contracts or Bargains touching or concerning the same several Purposes; and generally it shall be lawful for the said Directors to make and construct the like Works and to do the like Acts as are authorized by the said first-recited Act, with reference to the Matters therein contained in such Places and in such Manner as may be found requisite or expedient for the Purposes of the Gas Works to be purchased or held under the Authority of this Act, and as may be required in order to carry the Object of this Act into full Effect.

VI. And be it further enacted, That all Main Pipes, Service Pipes, and other Pipes laid down and constructed for the Purposes of this Act, and all public Gas Lamps, Lamp Irons, Timber, Furniture, and Materials thereunto belonging, and all Goods, Chattels, and Things, of what Nature, Kind, Species, or Quality soever, which shall be purchased or procured by the said Directors for the Purposes of this Act, and the Property of and in all the said several Articles, Matters, and Things, shall be and the same are hereby severally and respectively vested in the said Commissioners acting in execution of the said recited Act, subject to the Contract or Agreement next herein-after mentioned.

Pipes, &c.
vested in
Commis-
sioners.

VII. And whereas the said *James Fernley*, for himself, his Heirs, Executors, Administrators, and Assigns, hath entered into a Contract or Agreement, bearing Date the Twenty-seventh Day of *June* One thousand eight hundred and thirty-three, with the Constables and Burgesses or Commissioners of the Township of *Chorlton upon Medlock*, acting in execution of an Act of Parliament made and passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for improving and regulating the Township of Chorlton upon Medlock in the County of Lancaster*, for supplying Gas within the said Township of *Chorlton upon Medlock*, upon the Terms, Conditions, and Agreements, and under the Penalties, Stipulations for the Time and Times, and in manner as specified and set forth in the said Contract or

Directors to
be liable to
the Contract
with the
Constables
and Bur-
gesses of
Chorlton
upon
Medlock.

Agreement; be it therefore further enacted, That in case the said Gas Works and Premises in *Hulme* aforesaid, or any Part thereof, shall be purchased under the Powers of this Act, the said *Manchester* Directors and Commissioners shall be liable and accountable to the said Constables and Burgesses or Commissioners of the Township of *Chorlton upon Medlock*, and their Successors, (who are hereby empowered to enforce the same,) for the full and complete Observance and Performance in every respect of the said Contract or Agreement, and of all the Covenants, Conditions, Stipulations, Penalties, and Agreements contained therein, and be under and subject thereto, to the same Extent and in the same Manner in every respect as the said *James Fernley*, his Heirs, Executors, Administrators, and Assigns, is or would be liable unto if such Purchase had not been made, and in like Manner the said *Manchester* Directors or Commissioners shall have the same Powers and Remedies for enforcing the Performance of the said Contract or Agreement in every respect or relating thereto, and shall in all respects be entitled to receive the same Compensation or Sums of Money, and to have the same Benefit and Advantage thereof, or which can be derived under the said Contract or Agreement, as would have accrued unto or been vested in the said *James Fernley*, his Executors or Administrators, to all Intents and Purposes whatsoever.

This Act not to repeal Provisions of the Act for improving the Township of *Chorlton upon Medlock*.

VIII. And be it further enacted, That this Act, or any Clause, Matter, or Thing herein contained, shall not repeal, revoke, annul, or make void any of the Clauses, Powers, Provisoes, or Remedies contained in the said recited Act for improving and regulating the said Township of *Chorlton upon Medlock*, or give or afford the said *Manchester* Directors or Commissioners under this Act or the said recited Act, during the Continuance of the said Contract, nor shall the said *Manchester* Directors or Commissioners exercise under this Act or the said recited Acts, any further or other Privileges, Powers, or Authorities to contract or agree with any Trustees, Surveyors of Highways, or other Persons, or Body or Bodies Politic, Corporate, or Collegiate, for lighting with inflammable Air, Carburetted Hydrogen, Oil Gas, Coal Gas, or otherwise howsoever, any public or private Streets, Highways, Roads, Ways, Squares, Market Places, Courts, Yards, Passages, Bridges, Lanes, or public Buildings, Manufactories, Shops, Warehouses, private Houses, or Buildings, of whatever Denomination the same may be, or any of them, within the said Township of *Chorlton upon Medlock*, other than those which the said *James Fernley*, his Heirs, Executors, or Administrators, has a Right to exercise and enjoy under and by virtue of the said in part recited Contract or Agreement, without the Consent and Approbation of the said Constables and Burgesses or Commissioners of the Township of *Chorlton upon Medlock* being first obtained thereto at Two General Meetings of the said Constables and Burgesses or Commissioners, to be held at an Interval of not less than Twenty-eight Days from each other, due Notice of which Meetings respectively, and of the Object and Purport thereof, shall have been given by Advertisement in One or more of the *Manchester* Newspapers Ten Days at the least (exclusive of the Day of Notice and Day of Meeting) before such Meetings shall be respectively held.

IX. And

IX. And be it further enacted, That for enabling the said Directors to carry into effect the Purposes and Objects of this Act it shall and may be lawful for the said Directors from Time to Time to borrow and take up at Interest, in addition to the Money which they were authorized and empowered to raise by and under the said recited Acts or any of them, any Sum and Sums of Money, at such Time or Times and in such Proportions and Manner as they shall think fit, giving a Security or Securities for the same by a Mortgage or Mortgages in the Manner expressed and contained in the said first-recited Act with respect to Money thereby authorized to be borrowed, such Securities being also transferable as therein provided; and the said additional Sum and Sums of Money, and every Part thereof, when raised, shall, subject to the Payment of the Expences of applying for, preparing, obtaining, and passing this Act, as herein-after mentioned, be laid out and applied for the Purposes of this Act; and all Holders of Assignments and Securities granted and to be granted under the Authority of the said recited Acts and this Act, or any of them, and their respective Executors, Administrators, and Assigns, shall respectively be entitled to, and have, hold, receive, take, and enjoy, the Works and the Property and Effects to be held by virtue of the same Acts respectively, or any of them, for the Purposes thereof, and the Rents, Profits, and Monies arising therefrom, in the Proportions which the Sum and Sums of Money advanced and lent by such Holders respectively do and shall bear to the whole Sum at any Time or Times borrowed by virtue of the said recited Acts and this Act, or any of them, and which shall for the Time being be due and owing in respect thereof.

Power to borrow Money.

X. Provided always, and be it further enacted, That the additional Sum and Sums to be from Time to Time borrowed under the Authority of this Act shall not exceed the Sum of Thirty thousand Pounds in the whole: Provided also, that the said additional Sum or Sums to be from Time to Time borrowed or taken up as aforesaid, together with the Principal Money which for the Time then being may be due and owing on any Mortgage or Mortgages previously granted under the Authority of the said recited Acts or this Act, shall not at any Time exceed the Sum of One hundred thousand Pounds in the whole.

Limiting the Amount to be borrowed.

XI. And be it further enacted, That all the Costs, Charges, and Expences of and attending the applying for, preparing, obtaining, and passing this Act shall be paid and discharged by the said Directors by and out of the additional Sum and Sums of Money to be raised as aforesaid before any Part thereof be applied to the other Purposes by this Act specified.

Expences of Act.

XII. And be it further enacted, That all Rents and other Monies to be received and which may be payable in respect of the Gas to be supplied from or by means of or connected with the Gas Works and Hereditaments to be purchased under the Authority of this Act, or which may from Time to Time otherwise arise from or in respect of the same Gas Works and Hereditaments, shall, subject to the Enactment lastly herein-before contained, be payable and applicable in all respects for the same Purposes and in the same Manner as the Sums

Application of Money to be received by Directors.

Sums of Money to be from Time to Time received in respect of the other Gas Works under the Control of the said Directors now are or hereafter shall be payable or applicable by virtue of the said recited and the other Acts for the Time being subsisting with reference thereto.

Powers in
recited Acts
to extend to
this Act.

XIII. And be it further enacted, That from and after the passing of this Act the said several recited Acts and the other Acts subsisting with reference to the Establishment and Maintenance of the Affairs of the Gas Works under the Control of the said Directors within the Borough of *Manchester*, but subject as herein-before mentioned with respect to the said Township of *Chorlton upon Medlock*, and all Powers and Authorities, Provisions, Pains, Penalties, Forfeitures, Exemptions, Regulations, Clauses, Matters, and Things whatsoever respectively therein contained, as the same Acts, Powers, and Authorities, Provisions, Pains, Penalties, Forfeitures, Exemptions, Regulations, Clauses, Matters, and Things are successively altered and varied by each other, and as the same are and subsist when construed and applied collectively and together, whether the same relate to the Appointment of the said Directors, their Rights or Indemnities, Powers, Remedies, Authorities, or Functions, or the Liabilities, Duties, or Incumbrances of any other Persons whomsoever, or in any other Manner have reference to the Gas Works established or subsisting under the Authority of the said Acts respectively, and the Conduct, Management, or Affairs thereof, so far as the same can be made applicable for the Purposes or for the better carrying into effect the Objects of this Act, shall extend and apply to and be construed to extend and apply to and may be exercised by the Directors and Commissioners in the same Acts respectively mentioned, and each of those Bodies, and shall operate and be in force as fully and effectually with respect to the several Gas Works, Lands, Tenements, and Hereditaments to be purchased under the Authority or to be held for the Purposes of this Act, and with respect to all such Acts, as may be necessary or expedient to be done or performed within the Borough of *Manchester* aforesaid, but subject as herein-before mentioned with respect to the said Township of *Chorlton upon Medlock*, in any respect whatsoever for effecting the several Objects contemplated by and for accomplishing the Purposes of this Act, or relating thereto, as if the same were with reference to the Premises herein repeated and re-enacted and made Part thereof, subject nevertheless and without Prejudice, so far as the Provisions of the said previous Acts may be affected thereby, to the express Provisions herein contained.

Public Act.

XIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.