

The Rossendale Union Gas Company's Act, 1854.

should be incorporated by Act of Parliament: And whereas it is expedient that the Subscribers to the first-named Company, together with the Persons herein-after mentioned, should be incorporated for the Purpose of supplying with Gas the Inhabitants of the District aforesaid, and that the said Agreement should be carried into effect; but the same objects cannot be attained unless by 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:

8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 15. incor-
porated.

I. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847, shall be incorporated with and form Part of this Act: Provided always, that nothing contained in the said "Lands Clauses Consolidation Act, 1845," shall authorize the Company hereby incorporated to take or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

"Quarter Sessions."

II. The Expression "Quarter Sessions," in this and the said incorporated Acts, shall be construed to mean the Quarter Sessions for *Lancashire*, holden by Adjournment at *Salford*.

Short Title.

III. In citing this Act it shall be sufficient to describe it as "The *Rossendale Union Gas Company's Act, 1854.*"

Limits of the Act.

IV. The Limits of this Act shall comprise and include the Towns, Villages, or Places of *Bacup, Waterfoot, Newchurch, Rawtenstall, and Crawshaw Booth, Cowpe Lenches, Newhall, Hey, and Hall Car*, in the Parish of *Bury*; *Cliviger, Higher Booths, Lower Booths, Hapton, Dunnockshaw, Newchurch, Deadwin, Clough, Lower Tunstead, Higher Tunstead, Tunstead, and Wolfenden*, in the Parish of *Whalley*; *Spotland, Brandwood Lower End, and Brandwood Higher End*, in the Parish of *Rochdale*, and that Part of the Township of *Todmorden and Walsden* which is in the said Parish of *Rochdale*, all in the County Palatine of *Lancaster*.

Incorporation of new Company.

V. The Shareholders of the *Bacup Gaslight and Coke Company*, together with *John Aitken, Richard Ashworth, Henry Hoyle Hardman, John Howorth, William Hudson, John Robinson Kay, Robert Munn, James Rostron, William James Sleath, Robert Smith, and James Whittaker*, and all other Persons who shall have subscribed or shall hereafter subscribe to the Undertaking, and the Executors, Administrators, and Assigns of the said Persons respectively, shall be and they are hereby united into One Company and Body Corporate by the Name of "The *Rossendale Union Gas Company*," and by that Name they shall have perpetual Succession, and shall and may sue and be sued, and may purchase and hold and may sell and convey Lands for the Purposes of this Act and within the Restrictions herein contained.

Style of Company.

VI. The

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VI. The said Company shall be established for the Purpose of manufacturing and selling Gas, and of lighting therewith the Places and District before described, and the Company may do all Acts necessary or usual for the Purposes aforesaid or incidental thereto, including the Conversion, Manufacture, and Sale of secondary Products arising from the Distillation or Manipulation of Coal or other Materials from which Gas may be produced or made.

Purposes of the Company.

VII. From and immediately after the Day of the passing of this Act the *Bacup* Gaslight and Coke Company shall be dissolved, excepting for the Purpose of winding up its Affairs; and all Lands, Buildings, Works, Machinery, Apparatus, Plant, Pipes, Meters, Chattels, Shares, Bonds, Deeds, Securities, Books, Writings, Maps, Plans, and all other Estate and Effects of or to which the *Bacup* Gaslight and Coke Company was on that Day seised, possessed, or entitled at Law or in Equity, shall be vested in and belong to the Company hereby incorporated, for their absolute Benefit; and all Persons and Corporations who on that Day shall owe any Sum of Money to the said dissolved Company, or to any Person on its Behalf, shall pay the same, together with all Interest, if any due or to accrue due for the same, to the Company hereby incorporated; and all Moneys which on the said Day shall be due and owing by or recoverable from the said dissolved Company, or for the Payment of which the same Company was or but for the passing of this Act would have been liable, shall be paid with all Interest, if any due or to accrue due thereon, by or be recoverable from the Company hereby incorporated; and the Company hereby incorporated shall be subject to all Liabilities, Obligations, Contracts, Claims, Demands, and Penalties to which the dissolved Company was subject, in like Manner as the dissolved Company would have been subject to the same if this Act had not been passed.

Effects, &c. of Bacup Gas Company vested in the new Company.

VIII. Provided always, That, for the internal Purposes of the Two Companies, and in pursuance of the Agreement between them, and without Prejudice to the foregoing Enactment, or to the Rights or Claims of any Person against the said dissolved Company, or to the Liabilities of any Person towards the same Company, a separate Account shall be made up to and inclusive of the Thirtieth Day of *June* One thousand eight hundred and fifty-four; and the Profits of the said dissolved Company accruing between the Thirtieth Day of *June* One thousand eight hundred and fifty-three and the said Thirtieth Day of *June* One thousand eight hundred and fifty-four, after deducting the annual Charges and Outgoings, shall be divided among the Shareholders of the said dissolved Company: Provided also, that the Principal Money of the Debt due (at the Date of the said Agreement) on Bond, Mortgage, Promissory Note, or other Security of the *Bacup* Gaslight and Coke Company, and the Interest which, after the Thirtieth Day of *June* One thousand eight hundred and fifty-four, shall accrue due thereon, shall be transferred to and be paid by the Company hereby incorporated; and provided, lastly, that the said dissolved Company shall have

Accounts to be made up to 30th June 1854.

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have Credit allowed to it, as provided for by the said Agreement, for any Payments made or Debts incurred by it on account of Capital between the First Day of *July* One thousand eight hundred and fifty-three, and the Thirtieth Day of *June* One thousand eight hundred and fifty-four; and the said Payments or Debts shall be deemed to have been made or incurred on behalf of the Company hereby incorporated; and the First Day of *July* One thousand eight hundred and fifty-four shall, for pecuniary Purposes, be the Commencement of the Union of the Two Companies, and from and after that Date the Shareholders in the Company hereby incorporated shall receive Dividends according to the Amount of Capital paid up by them respectively on their respective Shares.

Contracts and Agreements to remain in force.

IX. All Conveyances, Bonds, Contracts, Agreements, Covenants, and Securities made or entered into upon or before the passing of this Act, to, with, or in favour of, or by or for the dissolved Company, or any Person on its Behalf, shall be and remain as good, valid, and effectual in favour of or against and with reference to the Company hereby incorporated, as they were in favour of or against and with reference to the dissolved Company.

Rights and Penalties saved and Evidence continued.

X. All Rights and Remedies which, upon the Day of the passing of this Act, or at any Time hereafter, shall be or become vested in any Person, shall continue, and the same be enforced as against the Company hereby incorporated, as fully as they could have been against the dissolved Company; and all Matters made Evidence of any other Matter or Thing by the said Act of the Session of the Seventh and Eighth Years of Her present Majesty, shall continue Evidence of such Matter or Thing as if the Company had not been dissolved.

Suits that might have been brought by or against dissolved Company may be brought by or against the Company.

XI. All Suits, Actions, and Proceedings which in any Court or before any Magistrate, but for the passing of this Act, might have been brought in the Name of the said dissolved Company, may be brought or prosecuted in the Name of the Company hereby incorporated; and all Suits, Actions, and Proceedings in any Court, or before any Magistrate, which, but for the passing of this Act, might have been brought or prosecuted against the said dissolved Company, may be brought or prosecuted against the Company hereby incorporated, and the like Judgment and Remedy may be had and obtained for or against the Company hereby incorporated that might have been had and obtained against the dissolved Company if this Act had not been passed.

Actions, &c. not to abate.

XII. No Action, Suit, Prosecution, or other Proceeding whatever commenced or carried on by or against the dissolved Company previously to the Day of the passing of this Act shall abate or be discontinued or be prejudicially affected by this Act; but the same shall continue and take effect both in favour of and against the Company hereby incorporated, in the same Manner and in all respects as if the said

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said Action and Prosecution or Proceeding had originally been commenced by or against the Company hereby incorporated: Provided always, that any such Action, Suit, Prosecution, or other Proceeding shall be continued in the Name of the dissolved Company, and in the same Form as if this Act had not been passed.

XIII. All Officers or Persons who, upon or after the Day of the passing of this Act, shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the dissolved Company, shall be liable to account for and to deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects, under the Provisions of this Act; and all Bonds, Guarantees, or Suretships, by any Person or Persons, for the faithful Execution by any such Officer or Person of his Office or Employment, already made and executed to the said dissolved Company, shall still continue and remain in force to the Company hereby incorporated, and be recoverable upon by such last-mentioned Company as if actually made thereto.

Officers of dissolved Company to account.

XIV. The Capital of the said Company shall be Forty thousand Pounds, which shall be divided into Shares of Ten Pounds each, with such fractional Parts of Shares as may be necessary for carrying into effect the Provisions of this Act, and of the said Capital the Sum of Ten thousand nine hundred and forty Pounds shall be divided among the Persons, or the Executors, Administrators, or Assigns of the Persons, who, on the Day of the passing of this Act, were Shareholders in the *Bacup* Gaslight and Coke Company, in proportion to the Number of Shares held by each of those Persons in the same Company, being at the Rate, as nearly as may be, of Three new Shares and One Eighth of such Share in respect of every Share in the dissolved Company; and the said One thousand and ninety-four Shares so appropriated shall be deemed to be paid up in full, and no further Call shall be made thereon; and every Person in whom any of the said Shares shall be vested, in pursuance of the Provisions in this Section contained, shall hold the same under the same Trusts, and for the same Purposes, and subject to the same Liens as affected the Shares in lieu of which such new Shares were issued: Provided always, that nothing herein contained shall oblige the Company hereby incorporated to see to the Execution of such Trusts or to the Satisfaction of such Liens.

Capital.
Certain Part of Capital to be appropriated to Bacup Shareholders.

XV. There shall likewise be assigned to and divided among such of the said Shareholders in the *Bacup* Gaslight and Coke Company as have agreed to accept or as may be willing to accept the same, and to pay from Time to Time the Calls to be made thereon, Five hundred other of

Further Shares to be appropriated to the same Company.

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the Shares to be created by virtue of this Act; and the Shares so appropriated shall be distributed at the Discretion of the Directors of the Company hereby incorporated, but so that they shall, as nearly as possible, be apportioned among the Proprietors who are willing to accept the same according to the Number of Shares then held by such Proprietors.

Certain Shares to be assigned to Rossendale Company.

XVI. There shall be assigned to and distributed among such of the Subscribers to the *Rossendale* Gas Company as have agreed to accept or as may be willing to accept the same, and to pay the Calls to be made thereon, One thousand five hundred of the new Shares to be created by virtue of this Act, and such Shares shall be apportioned among the said Subscribers by the Directors of the Company hereby incorporated in proportion to the Amount of the Subscriptions of the said Subscribers; and any Sums already paid to the *Rossendale* Company in respect of the said One thousand five hundred, or of the said Five hundred, Shares so assigned to the Shareholders in the *Bacup* Gaslight Company by way of Deposit or otherwise, shall be treated as paid on account of the Shares created by virtue of this Act; and the remaining Shares to be created by virtue of this Act, and such of the said Five hundred Shares and One thousand five hundred Shares as shall not be accepted by the Shareholders of the said Two Companies respectively, shall be disposed of by the Directors in manner provided by the Fifty-ninth Section of "The Companies Clauses Consolidation Act, 1845."

Amount and Interval of Calls.

XVII. There shall not be any Call exceeding Two Pounds upon any Share created by virtue of this Act; Two Months shall be the least Interval between successive Calls; and not more than Six Pounds per Share shall be called up in any One Year.

Increase of Capital.

XVIII. It shall be lawful for the Company hereby incorporated, from Time to Time, by Vote of any Extraordinary General Meeting convened with Notice of the Matter to be discussed, to raise by the Issue of new Shares a further Sum or Sums of Money not exceeding in the whole Ten thousand Pounds, and for that Purpose from Time to Time to issue Shares of such nominal Amount, in such Manner, and under and subject to such Terms and Conditions, in all respects as the said Meeting may determine, but so, nevertheless, that no greater Dividend than at the Rate of Six *per Cent. per Annum* be guaranteed on any such Share.

As to Meetings of Company.

XIX. The First Ordinary Meeting of the Company shall take place within Three Months after the passing of this Act; and a Quorum at all Ordinary and Extraordinary Meetings of the Company shall be not less than Five Shareholders holding in the aggregate Shares of the Company of the nominal Value of Five hundred Pounds.

Manner of voting in respect of

XX. The Shareholders of the Company hereby incorporated shall be entitled at the Ordinary and Extraordinary General Meetings of the Company

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pany to One Vote for every Share of the nominal Value of Ten Pounds held by them in the Company. Stock or Shares.

XXI. It shall be lawful for the Company hereby incorporated, and they are hereby empowered, to borrow on Bond any Sum of Money, so that the Sums due by them on Bond or Mortgage (inclusive of the Sum of One thousand seven hundred and fifty Pounds already borrowed by the said *Bacup* Gaslight and Coke Company, and charged upon the Company hereby incorporated) shall not exceed in the whole the Sum of Thirteen thousand Pounds, and shall not at any Time exceed One Third of the Share Capital of the Company at that Time paid up; and the Company hereby incorporated shall not be bound to see to the Execution of any Trusts, whether express, implied, or constructive, to which any Mortgage or Bond may be subject. Power to borrow Money on Mortgage or Bond.

XXII. The Mortgagees of the Company may enforce the Payment of Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver; and the Amount to authorize a Requisition for a Receiver shall be not less than Three thousand Pounds in the whole of such Principal and Interest. Arrears may be enforced by Appointment of Receiver.

XXIII. The Number of Directors shall be Eleven, and the Qualification of a Director shall be the Possession by him of Shares to the Amount of One hundred Pounds at the least. Number of Directors.

XXIV. *John Aitken, Richard Ashworth, Henry Hoyle Hardman, John Howorth, William Hudson, John Robinson Kay, Robert Munn, James Rostron, William James Sleath, Robert Smith, and James Whitaker,* shall be the First Directors of the Company. First Directors

XXV. It shall not be lawful for the Company to charge any higher Price for the Gas supplied by it than at the Rate of Six Shillings for every Thousand Cubic Feet. Limiting Price of Gas.

XXVI. If in laying down any Pipes under the Authority of this Act the Company shall do any Damage or Injury to any of the Gas Pipes laid down by Messrs. *Thomas Whitehead* and Brothers in the Village of *Rawtenstall*, the Company shall make full Compensation to the said Messrs. *Whitehead* for all such Damage or Injury: Provided always, that nothing herein contained shall confer or shall be deemed to confer upon the said Messrs. *Whitehead* any Rights, Powers, or Authorities not vested in them immediately before the passing of this Act. For the Protection of Messrs. Whitehead.

XXVII. It shall be lawful for the Company hereby incorporated to agree with the Owners of any Lands which they may think requisite or proper for the Purposes of the said Undertaking for the absolute Purchase for a Consideration in Money of any such Lands or such Parts thereof Power to purchase Lands.

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thereof as they shall think proper, not exceeding in the whole Twenty Statute Acres, together with all subsisting Leases therein, and all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what kind soever: Provided always, that the total Quantity of Land to be held by the Company at any One Time shall not exceed Fifteen Acres.

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

XXVIII. Every private Consumer of Gas of the Company hereby incorporated shall, upon Request in Writing by the Company, consume Gas by Meter, to be found and provided by and at the Expense of the Company, at a reasonable Remuneration for the same, unless the Consumer shall think fit to provide the same at his own Expense, in which Case such Meter shall be approved by the Company.

Rent for Gas and Fittings under 20l.

XXIX. In addition to the Power given by the "Gasworks Clauses Act, 1847," in this Behalf, the Company hereby incorporated may recover the Rent of any Gas, or the Price or Rent of any Pipe, Burner, Meter, Lamp, or Fittings supplied, sold, delivered, or let to Hire by the Company, together with the Expense of cutting off the Service Pipe or Gas, by Action in any Court of competent Jurisdiction, although the Demand in respect thereof may be less than Twenty Pounds.

Distance between Gas Pipes and Water Pipes.

XXX. Every Gas Pipe of the Company in any Street within the Limits of this Act shall be laid, where practicable, at the Distance of Two Feet at the least from any Pipe of the *Haslingden* and *Rawtenstall* Waterworks Company then previously laid down.

As to Gas Pipes crossing Water Pipes.

XXXI. Provided always, That where it is necessary to lay any Gas Pipe across any Water Pipe of the *Haslingden* and *Rawtenstall* Waterworks Company previously laid down, the Gas Pipe shall be laid as nearly as practicable at Right Angles with the Water Pipe.

Saving Rights of the Haslingden, &c. Waterworks Company.

XXXII. Provided always, That nothing in this Act contained shall repeal, alter, or prejudice any of the Rights, Powers, or Authorities vested in the *Haslingden* and *Rawtenstall* Waterworks Company.

Expenses of Act.

XXXIII. The Expenses of and incidental to this Act shall be paid by the Company hereby incorporated.

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