



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xliii.

An Act to amend the Provisions and extend the
Limits of the Act relating to the *Over Darwen*
Gaslight Company. [15th June 1855.]

WHEREAS an Act was passed in the Third Year of the
Reign of Her present Majesty, intituled *An Act for better*
lighting with Gas the Village of Over Darwen in the
County Palatine of Lancaster, whereby "The *Over Darwen* Gaslight
Company" were incorporated, and authorized to raise Six thousand
Pounds by the Creation of Shares of Ten Pounds each, and Two
thousand Pounds by Mortgage of their Undertaking, for the Purpose
of manufacturing and supplying Gas within the said Village: And
whereas the said Company have raised and expended the whole of
the said Sums of Six thousand Pounds and Two thousand Pounds,
and have also expended out of their Profits other Sums, amounting in
the whole to upwards of Three thousand Pounds, in carrying into
effect the Provisions of the said Act: And whereas the Buildings,
both public and private, in the said Village, as also in the Township
of *Over Darwen* and in the neighbouring Township of *Eccleshill*,
have greatly increased since the passing of the said Act, and are
rapidly increasing, and the said Townships beyond the said Village

2 & 3 Vict.
c. lxxx.

[*Local.*]

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are at present without any Supply of Gas, but might be well supplied through means of the said Company: And whereas the Capital of the Company is insufficient to enable them to supply with Gas the said Village of *Over Darwen*, independently of the rest of the Township of *Over Darwen* and the said Township of *Eccleshill*, and it is expedient that the Limits of the said Company should be extended so as to include the whole of the said Townships of *Over Darwen* and *Eccleshill*, and that their Capital should be increased, and that the Provisions of the said Act should be amended; but the same cannot be done 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Recited Act
repealed.

I. From and after the passing of this Act the recited Act shall be and the same is hereby repealed, but without Prejudice to any Acts or Proceedings previously had, transacted, or commenced under the same, or to any Demands or Liabilities arising in consequence thereof; and with respect to all such Acts, Proceedings, Demands, Liabilities, and the Means of enforcing the same, the Company by this Act incorporated shall be substituted for or considered identical with the Company dissolved by the Repeal of the said Act.

Short Title.

II. This Act shall for all Purposes be sufficiently cited or referred to as "*The Over Darwen Gas Act, 1854.*"

Re-incorporation of
Company.

III. The several Persons and Corporations who at or immediately before the passing of this Act were Proprietors of Shares in the *Over Darwen Gaslight Company* incorporated by the recited Act, and all other Persons and Corporations who shall hereafter become Shareholders in the Undertaking of the Company under the Provisions of this Act, shall be and are hereby united and incorporated by the Name of "*The Over Darwen Gaslight Company,*" and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and shall and may by that Name sue and be sued, plead and be impleaded, at Law and in Equity, in their corporate Capacity, and in none other, and shall and may prefer and prosecute any Bill of Indictment against any Person who shall commit any Felony, Misdemeanor, or other Offence against the Laws of this Realm, and shall have Power to purchase and to hold Lands for all or any of the Purposes of the Company, subject to the Restrictions herein-after contained; and the Company shall, notwithstanding the Repeal of the recited Act, be liable for all Debts, Obligations, and Engagements, and for all Torts, Misfeasances, Nonfeasances, and other Liabilities,

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Liabilities, of what Nature or Kind soever, owing or incurred by the Company under the repealed Act, for which the said Company would have been liable if they had not been hereby dissolved.

IV. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," (except so much thereof as relates to the Recovery of Damages not specially provided for, and Penalties,) "The Lands Clauses Consolidation Act, 1845," (except so much of the last-mentioned Act as relates exclusively to the Purchase and taking of Lands by Compulsion, and to the Recovery of Forfeitures, Penalties, and Costs,) and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, save in so far as any of the Provisions of the said Acts respectively may be expressly modified by this Act.

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

V. "The Gasworks Clauses Act, 1847," shall be held applicable as well to the Mains, Pipes, and Works of the Company already laid down and constructed as to the Mains, Pipes, and Works hereafter to be laid down and constructed by them.

10 & 11 Vict.
c. 15. to ap-
ply to exist-
ing Works.

VI. The Objects and Purposes for which this Act shall and may be put in force by the Company shall be the manufacturing and supplying Gas within the Limits herein-after specified, and the Sale of Coke and other residual Products arising or produced from the Manufacture of Gas, and the Purchase of such Lands, Buildings, and Materials and the Construction and Performance of such Works and Services, as may be expedient or necessary for the Purposes of or in connexion with the Objects aforesaid.

Purposes of
the Com-
pany.

VII. The Limits within which this Act may be put in force by the Company shall be the Townships of *Over Darwen* and *Eccleshill* in the County Palatine of *Lancaster*.

Limits of
Act.

VIII. It shall be lawful for the Company to construct, lay down, and maintain such Buildings, Machinery, Retorts, Gasholders, Mains, Pipes, Drains, and other Works and Apparatus, and such Dwelling Houses for the Use of their Officers and Workmen, and to perform such other Acts as they may deem requisite for carrying the Objects and Purposes of this Act into execution.

Powers of
Company.

IX. The Repeal of the Act hereby repealed shall not annul or in anywise prejudice, qualify, or affect any Purchase, Sale, Lease, Conveyance, Grant, Contract, or Security heretofore made or executed under or by virtue of the said Act, nor shall any Estate, Term of Years, Right, Title, or Interest vested in or acquired by the *Over Darwen* Gaslight Company prior to the passing of this Act be prejudicially

Purchases,
Contracts,
&c. not to be
affected.

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prejudicially affected by the Repeal of the said Act, but all such Purchases, Sales, Leases, Conveyances, Grants, Contracts, Securities, Terms of Years, Rights, Titles, and Interests shall be and remain as good and valid, both in favour of and against the Company hereby incorporated, as though the said last-mentioned Company were specifically named therein in lieu of the Company incorporated by the recited Act, and as though the said Act had not been repealed.

Vesting
Lands, &c.
of former
Company in
new Com-
pany.

X. All Lands, Works, Buildings, Offices, Machinery, Mains, Pipes, Lamp Posts, Books, Papers, Accounts, and other Property of every Description, whether Real or Personal, and all Rights, Easements, and Privileges, which belonged to the *Over Darwen* Gaslight Company incorporated by the recited Act, or to which they were entitled, at the Time of the passing of this Act, shall on the passing of this Act become vested in the Company hereby incorporated; and all Debts due to or by the said *Over Darwen* Gaslight Company at or immediately before the passing of this Act, and all Rates and Rents then accruing due to the said last-mentioned Company, shall be and be deemed to be due or accruing due and may be enforced by or against the Company hereby incorporated (as the Case may require), in like Manner as the same would have been due or accruing due to or by and might have been enforced by or against the said *Over Darwen* Gaslight Company incorporated by the recited Act if the said Act had not been repealed.

Actions not
to abate.

XI. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the *Over Darwen* Gaslight Company incorporated by the recited Act shall abate or be discontinued or be prejudicially affected by the passing of this Act, but the same shall continue and take effect, either in favour of or against the Company hereby incorporated, in the same Manner in all respects as the same would have continued and taken effect in relation to the Company incorporated by the recited Act if this Act had not been passed; and all Penalties incurred by reason of any Offence against the Provisions of the recited Act prior to the passing of this Act may be sued for, and all Offences committed before the passing of this Act against the Provisions of the recited Act may be prosecuted, in such or the like Manner as such Penalties might have been sued for or such Offences prosecuted if this Act had not been passed, the Company hereby incorporated being substituted in reference to the Matters aforesaid for the *Over Darwen* Gaslight Company incorporated by the recited Act.

Books to
remain Evi-
dence.

XII. All Books and other Documents by the recited Act authorized or directed to be kept, and thereby made Evidence, shall, notwithstanding the passing of this Act, be admitted as Evidence in all
Courts

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Courts whatsoever; and all Byelaws made under the Act hereby repealed, or any of them, shall without Confirmation be deemed as valid as though the same were made under this Act, but shall not continue in force longer than Six Months after the passing of this Act.

XIII. The Directors and all Officers of the *Over Darwen Gaslight* Directors and Officers to remain.
Company who have been duly appointed to their respective Offices prior to the passing of this Act shall continue to hold such Offices respectively in the Company hereby incorporated until they retire or be removed therefrom, and shall be entitled to the same Remuneration as though the said Act had not been repealed, unless the Amount of such Remuneration shall hereafter be altered by Vote of a General Meeting of the Company, and shall be subject to the same Penalties, Rules, and Regulations as though they had been respectively appointed under the Provisions of this Act.

XIV. The passing of this Act shall not relieve any Surety from Sureties not to be relieved.
Liability under any Security given by him on behalf of any Officer of the Company for the due Performance of the Duties of his Office, but all such Securities shall remain as valid and effectual as though this Act had not been passed, or as though the same had been given subsequently to the passing of this Act to the Company hereby incorporated.

XV. The Capital of the Company shall be Sixty thousand Pounds, Capital,
divided into such Number of Shares as will admit of the same being distributed according to the Provisions herein-after contained,

XVI. Every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares of the nominal Value of Ten Pounds in the Capital of the Company hereby dissolved shall for each such Share be possessed of or entitled to One Share of the nominal Value of Fifteen Pounds in the Capital of the Company hereby incorporated, without making any further Payment in respect thereof, and the said Shares are hereby vested in such Persons and Corporations accordingly. Distribution of Capital.

XVII. The Remainder of the Capital unrepresented by the said last-mentioned Shares, and which shall be requisite to make up the said Amount of Sixty thousand Pounds, shall be represented by such Number of new Shares and of such nominal Amounts respectively as the Company at any Meeting or Meetings to be specially convened for the Purpose shall from Time to Time determine, consistently with the Provisions herein-after contained; and it shall be lawful for the Company at any such Meeting to create such Number of new
[Local.] 6 S Shares, New Shares.

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Shares, in addition to the Shares already created, as may be necessary to make up the total Capital of Sixty thousand Pounds or any Part thereof.

New Shares
to be offered
to Holders of
old Shares.

XVIII. All new Shares which may be created by the Company under the Provisions herein-before contained shall be offered to the several Persons who shall be possessed of other Shares in the Company at the Time of the Creation of such new Shares, and in proportion to the Number of such other Shares so held by them respectively.

How Offer to
be made.

XIX. Such Offer shall be made by Letter under the Hand of the Clerk or Secretary for the Time being of the Company, given to or sent by Post addressed to each Shareholder according to his last known Address as entered in the Books of the Company, or left for him at such Address; and every Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter ought to be delivered according to the Regulations of the Post Office, and of such Letter having been so given or sent the Certificate of such Clerk shall be Evidence; and such newly-created Shares shall vest in and belong to the Proprietors who shall accept the same, and pay to the Company the Price at which the same were allotted to them, at such Times and in such Manner and by such Instalments as shall be fixed by the Directors.

Offers not
accepted,
Shares may
be disposed
of.

XX. If any Proprietor fail for One Month after such Offer of newly-created Shares to accept the same, or to pay any Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof for such Sum as the Company can obtain for the same, or otherwise as they think proper.

Amount of
Calls.

XXI. Two Pounds and Ten Shillings *per* Share shall be the greatest Amount of any new Call which the Company may make in respect of any new Share, and Two Months shall be the shortest Period intervening between successive Calls, and not more than Half of each Share shall be called up in any One Year.

Limiting
Amount of
Dividends.

XXII. The Profits of the Undertaking to be divided amongst the Shareholders in any Year shall not exceed the Rate of Seven Pounds in the Hundred by the Year on the paid-up Capital in the Undertaking (including the Capital represented by the said Shares of Fifteen Pounds each), unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which within Eight Years shall have fallen short of the said yearly Rate.

XXIII. All

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XXIII. All Mortgages, Debentures, or Bonds granted by the *Over Darwen* Gaslight Company before the passing of this Act shall be binding on the Company, and shall have Priority over any Mortgages or Bonds which may be granted or created by the Company after the passing of this Act.

Former
Mortgages
to have
Priority.

XXIV. It shall be lawful for the Company, after Forty thousand Pounds at least of their Capital shall have been subscribed, and Twenty thousand Pounds thereof at least shall have been paid up, to borrow on Mortgage or Bond any Sum of Money on the Credit of their Undertaking, not exceeding in Amount, with the Sums already borrowed by them, Ten thousand Pounds: Provided always, that the total Sum due by the Company on Mortgage or Bond at any One Time shall not exceed in Amount One Third of the paid-up Capital of the Company at the Time when such Money is owing.

Power to
borrow.

XXV. All Monies which shall be raised by the Company under the Provisions of this Act, whether by the Creation of Shares or by borrowing, shall be applied for and towards the carrying the Objects and Purposes of this Act into execution, and to no other Purpose whatsoever.

Monies
raised to be
applied to
Purposes of
Act.

XXVI. The First Ordinary Meeting of the Company shall be held on the Third *Thursday* after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Month of *March* in every succeeding Year; and all Meetings of the Company, whether ordinary or extraordinary, shall be held at the Office of the Company, or such other Place in *Darwen* as the Directors shall appoint.

Meetings.

XXVII. The Quorum of every Meeting of the Company shall be Nine Shareholders holding in the aggregate not less than Five hundred Pounds of the Capital of the Company.

Quorum.

XXVIII. The Number of Shareholders on whose Requisition an Extraordinary Meeting of the Company may be required to be convened shall be not less than Ten, and such Shareholders shall hold not less than Five hundred Pounds of the Capital of the Company.

Shareholders
who may
convene a
Special
Meeting.

XXIX. The Number of Directors shall be Nine, and the necessary Qualification for the Office of Director shall be the Possession in his own Right of Shares representing at least One hundred Pounds of the paid-up Capital of the Company, and Five Directors shall form a Quorum of a Meeting of Directors.

Directors
and Quorum
of Meetings
of Directors.

XXX. The

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Order of
Rotation in
which Di-
rectors shall
retire from
Office.

XXX. The Order of Rotation in which the present Directors of the Company shall retire from Office shall be the same as though this Act had not been passed, and the Persons to retire annually from Office shall be such as would have so retired if this Act had not been passed.

Quantity of
Land to be
held by the
Company
limited.

XXXI. The Quantity of Land which it shall be lawful for the Company to purchase and hold for the Purposes of this Act shall not exceed Five Acres.

Gas to be
consumed by
Meter.

XXXII. Every Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter, to be provided by the Company, at a Rent not exceeding Ten Pounds *per Centum per Annum* on the Cost of the Meter, unless such Consumer shall desire to provide such Meter at his own Cost, to be approved of by the Company.

Limiting
Price of Gas.

XXXIII. The Price of Gas to be supplied by the Company shall not exceed Five Shillings and Sixpence *per* One thousand Cubic Feet.

Recovery of
Money for
Gas and
Meters, &c.

XXXIV. All Sums of Money due to the Company for the Supply of Gas, or for the Hire of Meters or Gas Fittings, and the Amount of which is less than Twenty Pounds, may be recovered and levied as Damages.

Expenses of
Act.

XXXV. The Costs, Charges, and Expenses of or attending the passing of this Act shall be paid by the Company.

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