



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap.viii.

An Act for more effectually lighting with Gas the Town of *Stalybridge* and the Neighbourhood thereof in the Counties of *Chester* and *Lancaster* and in the West Riding of the County of *York*.
[5th May 1855.]

WHEREAS by the Local and Personal Act of the Fifth Victoria, Session Two, Chapter Seven, intituled *An Act for lighting with Gas the Town of Stalybridge and the Neighbourhood thereof in the Counties of Chester and Lancaster*, 5 & 6 Vict. sess. 2. c. vii.
“The *Stalybridge Gas Company*” was incorporated, and empowered to supply Gas within the Limits of such Act: And whereas the Capital of such Company was fixed at Fifteen thousand Pounds, with Power to raise on Mortgage or Bond, or by the Creation of new Shares, the additional Sum of Five thousand Pounds: And whereas the Company have raised, in addition to their Capital of Fifteen thousand Pounds, such further Sum of Five thousand Pounds by the Creation of new Shares, and such respective Amounts have been expended for the Purposes of the Undertaking: And whereas it is expedient, for the Purpose of affording an additional Supply of Gas within the Limits of such Act, and also a Supply of Gas within the Hamlet or Township of *Mossley* in the Parish of *Ashton-under-Lyne*
[*Local.*] R in

Stalybridge Gas Act, 1855.

in the County of *Lancaster* and the Parish or Township of *Saddleworth* in the West Riding of the County of *York*, that the Capital of the Company should be increased, and that the Powers herein-after contained should be conferred on the Company: And whereas for effecting the Objects aforesaid it is expedient that the recited Act should be repealed, and that further Powers should be granted instead thereof; but such Purposes cannot be effected without the Authority of Parliament: May it therefore please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, as follows; (that is to say,)

Short Title. I. In citing this Act for any Purpose it shall be sufficient to use the Expression "*Stalybridge Gas Act, 1855.*"

Repeal of recited Act. II. The recited Act is by this Act repealed.

Company to continue incorporated. III. Notwithstanding such Repeal, the Company shall for the Purposes of this Act remain as from the passing of the recited Act and continue incorporated by the Name of "*The Stalybridge Gas Company,*" and by that Name shall continue and be a Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, hold, and dispose of Lands and other Property for the Purposes and within the Restrictions of this Act.

Company to remain entitled to their Property. IV. Notwithstanding such Repeal, the existing Share Capital of the Company shall continue to be the Share Capital of the Company, and the Company shall remain and be seised and possessed of and entitled to all the Estates, Monies, Property, Effects, Claims, and Demands whatsoever of or to which the Company, or any Person in trust for them or on their Behalf, is by virtue of the recited Act or otherwise howsoever immediately before the passing of this Act seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever with the Appurtenances, as if the recited Act had not been repealed.

Conveyances, &c. to remain in force. V. Notwithstanding such Repeal, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, Orders, Resolutions, Proceedings, and other Acts and Things before such Repeal done, entered into, executed, or instituted, under or by virtue or with reference to the Purposes of the recited Act, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as if the recited Act had not been repealed, and may be enjoyed, proceeded on, and enforced accordingly.

VI. Notwith-

Stalybridge Gas Act, 1855.

VI. Notwithstanding such Repeal, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company, shall not abate or be discontinued or be prejudicially affected by such Repeal, but, on the contrary, the same respectively shall continue and take effect, both in favour of and against the Company, in like Manner in all respects as the same would have continued and taken effect if the recited Act had not been repealed; and all Offences against the Provisions of the recited Act committed before the passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if such Act had not been repealed.

Actions not
to abate.

VII. Notwithstanding such Repeal, all Persons who immediately before the passing of this Act owed any Money to the Company, or to any Person on behalf of the Company, shall pay the same, with all Interest (if any) due or to accrue due for the same, to the Company; and all Debts and Monies which immediately before the passing of this Act were due or owing by or recoverable from the Company, or for the Payment of which the Company were or but for such Repeal would be liable, shall be paid, and all Interest (if any) due or to accrue due thereon, by or be recoverable from the Company.

Debts due to
and by the
Company to
be respec-
tively paid to
and by them.

VIII. Notwithstanding such Repeal, the several Persons who at the Time of the passing of this Act are Directors of the Company shall remain in Office until the First Ordinary Meeting to be held after the passing of this Act.

Directors of
Company to
remain in
Office.

IX. Notwithstanding such Repeal, every Officer and Servant appointed by virtue of or acting under the Authority of the recited Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from such Office and Employment; and every such Officer and Servant shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever as if he had been appointed under this Act.

Present
Officers to
continue.

X. Notwithstanding such Repeal, all Books and Writings which, if such Act were not repealed, might be admitted in Evidence, shall be admissible in Evidence in all Courts of Law and Equity and otherwise as if this Act had not passed.

Books to
remain
Evidence.

XI. Provided always, That, notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, every-thing before the passing of this Act done or suffered under the recited Act shall be as valid as if the recited Act were not repealed, and

For con-
tinuing
Rights, Lia-
bilities, &c.
under former
Act.

the

Stalybridge Gas Act, 1855.

the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the recited Act were not repealed, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, and all such Rights, Liabilities, Claims, and Demands shall be enforceable and recoverable against the Company: Provided always, that the Generality of the Provisions contained in this Enactment shall not be confined or restricted by any special Provision contained in this Act.

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

XII. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," are incorporated with this Act: Provided always, that the Incorporation with this Act of "The Lands Clauses Consolidation Act, 1845," shall not enable the Company to take Lands otherwise than by Agreement.

Construction
of certain
Terms.

XIII. For the Purposes of this Act the following Expressions respectively mean as follows; (to wit,) in "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and in "The Gasworks Clauses Act, 1847," respectively, "the Special Act" means this Act; "the Undertaking" means the Undertaking and Works by this Act authorized to be made and maintained respectively; in "The Gasworks Clauses Act, 1847," "the Undertakers" means the Company; and in this Act, and in "The Companies Clauses Consolidation Act, 1845," "the Company" means the Company incorporated by the recited Act, and continued incorporated by this Act.

Capital.

XIV. The Capital of the Company shall be their present Capital of Twenty thousand Pounds, and such further Capital as may be from Time to Time raised by Shares and otherwise under the Powers by this Act granted.

Vesting in
the Proprie-
tors of the
Company
same Num-
ber of Shares
as previously
held by them.

XV. Every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to any Share or Shares in the Capital of the Company under the recited Act shall in respect thereof be possessed of or entitled to the same Number of Shares of equal Amount in the Capital of the Company upon each of which Shares the full Amount shall be deemed to have been paid up, and such Shares are hereby vested in such Persons and Corporations accordingly, and shall confer on the Holders thereof the same Rights and Interests as they would have enjoyed in respect thereof if this Act had not been passed, save in so far as such Rights or Interests may be expressly altered by this Act.

XVI. No

Stalybridge Gas Act, 1855.

XVI. No Person being a Shareholder in the Company shall by reason of his being such Shareholder be disqualified from acting as a Commissioner for carrying into execution the Powers of any Act for lighting, watching, and otherwise improving the Town of *Stalybridge*, in case such Person shall in other respects be duly qualified to act as a Commissioner according to the true Intent and Meaning of such Act, but such Person shall not vote as a Commissioner as aforesaid in any Question in which the Company may be interested, or in any Question respecting the lighting the Town of *Stalybridge* with Gas under the Powers of the Act aforesaid.

Shareholders not to be disqualified from acting as Police Commissioners.

XVII. The Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Shares or Stock in the Undertaking of the nominal Value of Two hundred Pounds.

Number and Qualification of Directors.

XVIII. The Company may reduce the Number of Directors, provided that the reduced Number be not less than Six.

Power to reduce the Number of Directors.

XIX. The First General Meeting of the Shareholders of the Company shall be held in the Month of *July* next after the passing of this Act; and a General Meeting shall be held in the Month of *July* in each subsequent Year, and at such other stated Period as shall be appointed for that Purpose by an Order of any General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held within the Town of *Stalybridge*.

General Meetings of the Company.

XX. In order to constitute a General Meeting of the Company there shall be present, either personally or by Proxy, not less than Five Shareholders or Holders of Stock holding in the aggregate not less than Shares or Stock in the Capital of the Company of the nominal Value of Two thousand Pounds; and at every such General Meeting each Shareholder shall have One Vote in respect of every Thirty Pounds of paid-up Capital he may have in Shares or Stock in the Undertaking.

Quorum for General Meetings of Shareholders.

XXI. The Company may from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders of the Company present in Person or by Proxy at any General Meeting, raise, by the Creation of Shares of such Amount as shall be determined on at such Meeting, any additional Capital not exceeding in the whole the Sum of Thirty thousand Pounds.

Power to raise additional Capital by new Shares.

XXII. Whenever any Shares are newly created for augmenting the Capital of the Company, pursuant to the Provisions of this Act, they shall be offered to the then Shareholders in proportion, as nearly as can be conveniently done, to the Shares held by them respectively.

New Shares to be offered to existing Shareholders.

[*Local.*]

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XXIII. Such

Stalybridge Gas Act, 1855.

How Offer to
be made, and
Shares to
vest in Per-
sons accept-
ing Offer.

XXIII. Such Offer shall be made by Letter under the Hand of the Clerk of the Company, given or sent by Post to each Shareholder, or left at his usual or last known Place of Abode, or addressed to his last Address appearing in the Shareholders Address Book, by "The Companies Clauses Consolidation Act, 1845," required to be kept, of which Letter having been so given or sent the Certificate of such Clerk shall be conclusive Evidence; and such newly created Shares shall vest in and belong to the Shareholders 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 of the Company.

As to Dis-
posal of
Shares not
taken by
Proprietors.

XXIV. If any Proprietor fail for One Month after such Offer of newly created Shares to accept the same, or to pay any of the Instalments called for in respect thereof, the Company may 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.

Calls.

XXV. If the Company create any Capital under the Provisions of this Act, Forty Pounds *per Centum* on the Amount of such Capital shall be the greatest Amount of the First Call which may be made in respect thereof, and Twenty Pounds *per Centum* on the Amount of such Capital shall be the greatest Amount of any subsequent Call which may be made in respect thereof, and so in like Manner with respect to every subsequent Creation of Capital which may be made by the Company; and in all Cases there shall be an Interval of not less than Three Months between Two successive Calls, and the aggregate Amount of all Calls on any One Share in One Year shall not exceed Fourth Fifths of the Amount of such Share.

Rate of
Profits to be
divided on
additional
Capital.

XXVI. The Amount of Profits of the Undertaking which may be divided amongst the Undertakers or Shareholders in the Company in any Year on the additional Capital of the Company which they may raise under the Authority of this Act, and which shall be from Time to Time paid up, is after the Rate of Eight Pounds in the Hundred by the Year on such paid-up Capital.

Power to
borrow on
Mortgage.

XXVII. After the whole of the additional Capital of Thirty thousand Pounds shall have been subscribed for, and One Half of the same shall have been paid up, the Company may borrow on Mortgage any Sum not exceeding in the whole the Sum of Ten thousand Pounds.

Power to
reborrow.

XXVIII. If the Company pay off any Sums owing by them they may again borrow the Sum so paid off, and so from Time to Time as often as Occasion shall require.

XXIX. All

Stalybridge Gas Act, 1855.

XXIX. All Money raised under the Provisions of this Act, whether by means of Shares or by Exercise of the Powers of borrowing, shall be applied to the Purposes of the Undertaking by the recited Act and this Act authorized, and to no other Purpose.

Application
of Money.

XXX. The Limits of this Act shall be the Town of *Stalybridge*, and the several Townships, Hamlets, and Places in the Neighbourhood thereof, herein-after mentioned; namely, the Townships, Hamlets, and Places of *Stayley*, *Matley*, *Hattersley*, and *Micklehurst*, in the Parish of *Mottram-in-Longdendale* in the County of *Chester*; the Hamlets or Townships of *Ridghill* and *Lanes*, *Heyrod*, *Luzley*, and *Mossley*, in the Parish of *Ashton-under-Lyne* in the County of *Lancaster*; such Part of the Township of *Dukinfield* in the Parish of *Stockport* in the County of *Chester* as is situate within the Limits of the Town of *Stalybridge* in the Counties of *Lancaster* and *Chester* as defined by the Act for lighting, watching, and otherwise improving the said Town; and the Parish or Township of *Saddleworth* in the West Riding of the County of *York* (except so much of the last-named Parish or Township as lies Westward of a Line drawn from the Eastern Extremity of the Township of *Oldham*, across *High Moor*, to the *Star Inn* on the *Wakefield and Austerlands* Turnpike Road, thence Southerly along the Turnpike Road to the Junction thereof at or near *Lydgate* with the Road leading from *Spring Head* to *Shaw Hall*, and thence in a straight Line to the *Four Lane Ends* at *Thornly Lane*, and thence in a straight Line to the Eastern Extremity of the Hamlet of *Alt Edge*).

Limits of the
Act.

XXXI. The Company may, subject to the Restrictions herein contained, from Time to Time continue, make, construct, lay down, maintain, alter, or discontinue such Retorts, Gasometers, Receivers, and Buildings, Cisterns, Engines, Machines, and other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, Machinery, and other Works, and also such Houses, Buildings, and Approaches thereto, upon the Lands by this Act authorized to be held and purchased by the Company, and may manufacture Gas and do all other Acts, as they shall think proper, necessary, and convenient for supplying the Inhabitants within the Limits of this Act with Gas, and for other Purposes authorized by this Act, and may sell, manufacture, and dispose of the Coke, and all Products, Refuse, or Residuum arising, remaining, or to be obtained from the Materials used in the Manufacture of Gas, in such Manner as the Company may think fit, and may provide, do, and perform all Acts, Matters, and Things requisite or desirable for those Purposes: Provided always, that the Company shall not erect any Works for the Manufacture of Gas upon any Land, other than and except upon such Land as shall be vested in them for the Purpose of their existing Undertaking at the Time of the passing of this Act.

Company
empowered
to continue
and con-
struct Gas-
works.

XXXII. The

Stalybridge Gas Act, 1855.

Power to
purchase
Lands.

XXXII. The Company may from Time to Time agree with the Owners of any Lands within the Limits of this Act which they may think requisite or proper for any of the Purposes of their Undertaking for the Purchase of the same, on such Terms as are agreed on; provided that the Company shall not hold for the Purposes of their Undertaking more than Six Acres of Land.

Company
empowered
to lay Pipes
for lighting
Buildings.

XXXIII. Subject to the Provisions in this Act and the Acts incorporated therewith contained, the Company may lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or against any Building, for the Purpose of lighting the same, and provide and set up any Apparatus necessary for securing to any Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Two Justices
may require
Company to
raise, sink,
or alter
Pipes.

XXXIV. Two Justices may, after hearing the Company, upon the Application of the Commissioners for paving, lighting, and otherwise improving the said Town, require the Company to raise, sink, or otherwise alter the Situation of any of the Pipes belonging to the Company within any Street in the said Town, and specify the Manner in which such Alteration shall be made.

Company to
raise, sink,
or alter
Pipes as
required by
Justices.

XXXV. In every Case in which the Company shall be required by Two Justices to raise, sink, or alter the Situation of any of their Pipes, the Company shall, at their own Expense, within Two Months next after being required so to do by Notice in Writing to them given by the said Commissioners, raise, sink, or alter such Pipes according to such Notice, in such Manner as the said Justices shall direct; and in default thereof the said Commissioners may cause such Pipes to be so raised, sunk, or altered, and the Charges of every such Work shall be forthwith paid by the Company to the Commissioners, or may be recovered as Damages not specially provided for may be recovered.

Limiting the
Price of Gas.

XXXVI. The Company shall not demand or receive for the Supply of Gas any greater Sum than a Sum after the Rate of Five Shillings *per* One thousand Cubic Feet of such Gas, nor shall the Company demand or receive, from the Commissioners for lighting, watching, and otherwise improving the Town of *Stalybridge* a Sum exceeding the average Rate *per* One thousand Cubic Feet of Gas which shall be charged by the Companies or Persons supplying Gas in the Boroughs or Towns of *Ashton-under-Lyne*, *Oldham*, *Rochdale*, *Stockport*, and *Manchester* for lighting or supplying with Gas the several Streets in the said Boroughs or Towns respectively at the Time of the Company entering into any Agreement with the said Commissioners for lighting or supplying the several Streets within the said Town of *Stalybridge*.

XXXVII. The

Stalybridge Gas Act, 1855.

XXXVII. The Company may from Time to Time enter into or make any Contract or Agreement with the Persons having the Control or Management of any Street or Bridge within the Limits of this Act, for lighting or supplying the same or any Part thereof with Gas, and for providing the same with Lamp Pillars and Posts, Lamp Brackets, Lamps, and Glass, and for the Repair thereof respectively, and also from Time to Time may make and enter into any Contract or Agreement with any Person for lighting or supplying with Gas any Church, Chapel, Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, or other public or private Building, in such Manner, under such Conditions, and upon such Terms as shall be agreed upon between the Company and such Persons respectively; and such Persons are hereby authorized and empowered, with the Consent of the Inhabitants of the Parish, Township, or Hamlet in which such Street or Bridge shall be situate, in Vestry assembled, to contract and agree with the Company, and to pay out of any Money which shall come to their Hands or over which they shall have Control such Sums of Money as shall from Time to Time have been contracted or agreed to be paid to the Company for lighting the same Street or Bridge as aforesaid.

Power of the
Company to
contract for
lighting
Streets, &c.

XXXVIII. In addition to the Powers given by "The Gasworks Clauses Act, 1847," and this Act, in this Behalf, the Company may recover the Rent of any Gas, or the Price or Rent of any Pipe, Burner, Meter, Lamp, or Fitting 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.

Rent for Gas
and Fittings
under 20*l.*
how to be
recovered.

XXXIX. Nothing in this Act contained shall extend to defeat, abridge, obstruct, or in any Manner interfere with the Powers and Authorities of the Commissioners acting under the Authority of any Act for lighting, watching, and otherwise improving the said Town, or of any Trustees, Surveyors, or other Persons having the Control, Superintendence, Direction, or Management of lighting or paving the said Town, or the Parishes, Townships, Hamlets, and Places within the Limits of this Act, or the Right of any Person whomsoever to pave, amend, or repair any of the said Streets, Ways, or public Places, or to make, enlarge, repair, or amend any Sewer, Drain, or Vault under any Street, Way, or public Place within the Limits of this Act, or the Rights and Powers of the Trustees acting under the Authority of any Act for repairing and amending the several Turnpike Roads passing within the Limits of this Act, but such several Powers and Authorities may be exercised and enjoyed in the same full and ample Manner, to all

Saving of
Rights.

[*Local.*]

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Intents

Stalybridge Gas Act, 1855.

Intents and Purposes, as if this Act had not been passed, save only so far as the same may be affected by the due and lawful Exercise of the Powers hereby vested in the Company.

Expenses of
Act.

XL. All the Costs, Charges, and Expenses of applying for and obtaining this Act or incident thereto shall be defrayed by the Company.

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