



CHAPTER xx.

An Act to enlarge the powers of the Prescot Gas Company, and for other purposes in connexion with their undertaking. A.D. 1880.
[29th June 1880.]

WHEREAS by the Prescot Gas Act, 1867, (in this Act referred to as the Act of 1867,) the Prescot Gas Company (herein-after called the Company) were incorporated for the purpose of maintaining gasworks and for lighting with gas the town of Prescot and other townships and parts of townships in Lancashire named or referred to in the said Act: 30 & 31 Vict.
c. xxxix.

And whereas by the Act of 1867 the share capital of the Company was fixed at nine thousand pounds, of which sum five thousand pounds are represented by four hundred A shares of twelve pounds ten shillings each (fully paid up), and four thousand pounds by four hundred B shares of ten pounds each (fully paid up), and the Company was authorised to raise a further sum of two thousand pounds by borrowing:

And whereas the Company have raised and expended for the purposes of their undertaking the whole of the said sums of money:

And whereas the Company have acquired certain lands in the township of Eccleston, in the parish of Prescot, in the county of Lancaster, adjoining and on the east and south sides of the lands upon which the gasworks of the Company have been authorised and constructed, and it is expedient that the Company should be authorised to hold and use such additional lands for the purpose of storing and manufacturing gas and the residual products thereof:

And whereas the demand for gas in the district supplied by the Company has increased and is increasing, and it is expedient that they should be authorised to raise additional capital in order to meet the increasing demands for gas within their authorised limits of supply:

And whereas it is also expedient that the Act of 1867 should be in some respects amended, and that the further powers and conditions herein-after contained should be granted to and imposed upon the Company:

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And whereas the purposes aforesaid cannot be attained 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
and con-
struction of
Acts.

1. This Act may be cited as the Prescot Gas Act, 1880, and the Act of 1867 and this Act may be cited together as the Prescot Gas Acts, 1867 and 1880, and the Act of 1867, as amended by this Act, and this Act shall be construed and have effect together as one Act, except so far as such construction would be inconsistent with or repugnant to the provisions of this Act.

Incorporation of
general
Acts.
8 & 9 Vict.
c. 16.

2. 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 non-payment of calls;

The remedies of creditors of the Company 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 general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices;

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

26 & 27 Vict.
c. 118.

And also Parts I., II., and III. of the Companies Clauses Act, 1863, (relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock,) are, so far as the same respectively are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act, incorporated

34 & 35 Vict.
c. 41.

with and form part of this Act. And the Gasworks Clauses Act, 1871, shall, subject to the provisions of this Act, apply to the undertaking of the Company as if the same had been authorised by this Act, and the provisions of the said Act of 1871 shall be held to repeal and supersede such of the provisions of the Act of 1867 as are inconsistent with the said Act of 1871 as varied by this Act.

Interpretation of
terms.

3. 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); and for the purposes of this Act 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 be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

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4. The Company may from time to time, subject to the provisions of this Act and on the lands or any part of the lands mentioned in the schedule to this Act, erect, lay down, provide, make and maintain, alter, improve, enlarge, extend, connect, and renew or discontinue gasworks, retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stopcocks, machinery, and other works, apparatus, and conveniences for the manufacture, storage, and distribution of gas, and may do all such acts as they may think proper in or for the purposes of such manufacture, storage, and distribution, and for supplying gas within their district, and may manufacture, store, distribute, and supply gas accordingly, and may manufacture, purchase, sell, provide, supply, and deal in coke, tar, pitch, asphaltum, ammoniacal liquor, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, stoves, and other matters, articles, and things in any way connected with gasworks, or with the supply and use of gas, as they may from time to time think fit, and generally carry on the business usually carried on by gas companies or which is or may become incident thereto.

Power to maintain and enlarge works upon any part of scheduled lands.

5. The Company may, subject to the provisions of this Act, (but only for the purposes of the Company within the limits of their district, and not so as to acquire any exclusive right therein,) contract for, take, hold, and use any license or authority under letters patent to work, use, exercise, or put in practice any invention relative to the manufacture or distribution of gas, or the conversion, manufacture, or utilization of any residual products arising or obtainable from such manufacture or from the materials used therein.

Power to use patented inventions.

6. The Company may, subject to the provisions of this Act, from time to time raise, in addition to any moneys which they have raised under or by virtue of the Act of 1867, any further capital not exceeding in the whole sixteen thousand pounds (in this Act called new capital), 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 (such shares or

Power to Company to raise additional capital.

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stock when issued to be designated "C" shares or "C" stock respectively, as the case may be); but the Company shall not issue any share 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, 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 secure, including any premiums which may be obtained on the sale thereof, the sum of sixteen thousand pounds: Provided also, that the Company shall not create and issue within any one year any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid eight thousand pounds.

New shares or stock to be subject to the same incidents as other shares or stock.

7. Except as by this Act otherwise provided, the capital in new shares or stock created by the Company under this Act, and the new shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital.

Limit of profits on new capital.

8. The Company shall not in any one year make out of their profits any larger dividend on the new capital of sixteen thousand pounds than seven pounds in respect of every one hundred pounds actually paid up of such new capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such new capital as may be issued as preference capital.

Restriction as to votes.

9. 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 assigned.

Dividends on shares or stock to be paid proportionately.

10. In case in any year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Company, a proportionate deduction shall be made in the dividend of each class.

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

11. 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 ordinary 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 such 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.

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12. 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 premiums given by any purchaser at such sale, shall be paid to the Company within three months after such sale.

Purchase money to be paid within three months.

13. 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 Board of the Prescot District 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.

Notice to be given as to sale, &c. of shares or stock.

14. 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 the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act, and any shares or stock not so sold shall be dealt with in manner provided by the before-mentioned Act of 1863 with respect to additional capital.

Shares or stock not sold to be offered to shareholders, &c.

15. Any sum of money which shall arise from the issue of any such shares or stock by way of premium, after deducting therefrom the expenses of and incident to such 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

Application of premium.

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or owing on mortgage by the Company, and shall not be considered as part of the capital of the Company entitled to dividend.

Power to
borrow on
mortgage.

16. The Company may from time to time, subject to the provisions of this Act, borrow on mortgage in respect of the new capital of sixteen thousand pounds by this Act authorised to be raised by shares or stock, any sum or sums not exceeding in the whole four thousand pounds, and the Company may, as each sum of one thousand pounds of such new capital has been issued and accepted and one half of the amount of each such sum has been paid up, borrow on mortgage in respect of each such sum of one thousand pounds any sum or sums not exceeding in the whole two hundred and fifty pounds, but in no case shall any part of the said respective sums be borrowed until shares for so much of the portion of new capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted, and one half thereof is 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 shares for so much of such capital as is to be raised by means of shares have been issued and accepted, and that one-half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that stock for one half of so much of the capital in respect of which such borrowing powers are sought to be exercised as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were or was issued and accepted and paid up *bonâ fide*, and are or is held by the persons or corporations to whom the same were or was issued, or their executors, administrators, successors, or assigns, and also, so far as the said new capital is raised by shares, that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; 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.

As to con-
version of
borrowed
money into
capital.

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

18. Section 26 (arrear to be enforced by appointment of receiver) of the Act of 1867 is hereby repealed, but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act, and in lieu thereof mortgagees of the Company may enforce the payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, the amount owing to the mortgagees by whom application for the appointment of such receiver shall be made shall not be less than one thousand pounds in the whole.

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As to appointment of receiver.

19. All mortgages granted by the Company in pursuance of the powers of the Act of 1867 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 Act of 1867, 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.

Existing mortgages to have priority.

20. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

21. All the moneys raised on mortgage by the Company under the provisions of this Act, and the interest due thereon, and the interest due on debenture stock created and issued under this Act, shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act; but this priority shall not affect any claim against the Company in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860.

Priority of mortgages, &c. over other debts.

8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.

22. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall, after payment of all costs, charges, and expenses of and incident to the preparing, applying for, obtaining, and passing of this Act, be applied for the purposes of this Act and of the Act of 1867, and for the general purposes of the Company.

Application of moneys.

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Period for
first annual
account to
be sent to
local autho-
rity.

23. Notwithstanding anything contained in section 35 of the Gasworks Clauses Act, 1871, it shall not be obligatory on the Company to forward to the local authority the annual statement mentioned in the said section prior to the twenty-fifth day of March one thousand eight hundred and eighty-two, and the annual statements shall be made up to the thirty-first day of December preceding.

Alteration
of time of
holding
ordinary
meetings.

24. On and after the thirty-first day of December one thousand eight hundred and eighty, section 29 of the Act of 1867 shall be repealed, and the ordinary meetings of the Company shall be held in the month of March in every year; and at the meeting of the Company to be held in March one thousand eight hundred and eighty-one a dividend may be declared and paid for and in respect of the profits, if any, of the Company earned between the second day of May and the thirty-first day of December one thousand eight hundred and eighty.

As to
number of
candles.
Testing
place.

25. The prescribed number of candles shall be fifteen.

26. The testing place of the Company shall be on some part of the lands described in the Schedule to this Act, which shall be deemed to be the prescribed testing place for the purpose of the 28th section of the Gasworks Clauses Act, 1871, and two hours previous notice shall be given to the Company of the time at which any testing shall be conducted.

Burner.

27. The prescribed burner shall be Sugg's London Argand Burner Number One, 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.

Maximum
price of gas.

28. Section 49 of the Act of 1867 is hereby repealed, and in lieu thereof the maximum price to be charged by the Company for gas supplied by them by meter shall be as follows; that is to say,

If the total quantity of gas consumed in the preceding year shall have been under nine millions of cubic feet the maximum price shall be five shillings and tenpence per one thousand cubic feet, if the quantity consumed shall have been nine millions of cubic feet and under eleven millions of cubic feet the maximum price shall be five shillings and sevenpence per one thousand cubic feet, and if the quantity consumed shall have been eleven millions of cubic feet and upwards the maximum price shall be five shillings and fourpence per one thousand cubic feet: Provided always, that if payment be made on demand on the delivery of the quarterly account, or at the office of the Company within one month from such delivery,

the Company shall make a deduction by way of discount of A.D. 1880.
ten per centum on the price of gas so supplied.

29. The Company shall correctly measure, ascertain, and record the quantity of gas consumed, and shall furnish the local board of the Prescot district with yearly accounts thereof, and the said board shall have power, by their officers, servants, and other persons authorised on their behalf, to examine such of the books and accounts of the said Company as will verify the said yearly account: Provided always, that this provision as to inspection and rendering accounts shall cease to have effect on the Company admitting that the total quantity of gas consumed exceeds eleven millions of cubic feet per annum. Yearly
account of
gas con-
sumed.

30. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset 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 shall be given to the Company of the time and place at which such testing shall be conducted. Pressure of
gas.

31. The Company may demand and require from any consumer of gas within their district security for the payment of gas rates or charges, and for the price or rent of any meter supplied by the Company, and the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of security as aforesaid for every six months during which the same remains in their hands, and in default of such security being given the Company shall not be bound to supply such gas or meter to any consumer so making default. Security for
payment of
gas rents,
&c.

32. Any consumers desiring to discontinue a supply of gas on any premises where a meter has been fixed for their use shall give to the Company twenty-four hours notice in writing of such their intention, and on neglect of giving such notice shall be liable to pay and shall pay to the Company for all gas registered by such meter up to and until the expiry of twenty-four hours from the receipt of such notice. Notice of
intention by
consumers to
discontinue
gas supply.

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Protection
of the
London and
North-west-
ern Railway
Company.Expenses of
Act.

33. Section 43 (works affecting the London and North-western Railway Company) of the Act of 1867 shall apply to any railway, bridges, works, lands, and other property now or hereafter belonging to, worked, used, or occupied by the London and North-western Railway Company.

34. All the costs, charges, and expenses of and incident to the passing of this Act and preparatory thereto shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.A.D. 1880.
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Certain land of the area of two thousand square yards or thereabouts, belonging or reputed to belong to and in the occupation of the Company, and situate on Hackley Moss, within Eccleston, in the parish of Prescot, in the county of Lancaster, bounded on the north by land belonging or reputed to belong to the Earl of Derby, on the east and south by lands formerly belonging or reputed to belong to the trustees of the late William Pemberton, and on the west by land formerly belonging or reputed to belong to Thomas Spencer.

Certain land of the area of one thousand nine hundred and eighty-two square yards or thereabouts, now in the occupation of the Company, and situate on Hackley Moss aforesaid, bounded on the north by the land above described, on the east and south by lands belonging or reputed to belong to the before-mentioned trustees, and on the west by land belonging or reputed to belong to Mr. Henry Houlgrave.

Certain land of the area of one thousand and sixteen square yards, now in the occupation of the Company, and situate on Hackley Moss aforesaid, bounded on the north by land belonging or reputed to belong to the Reverend Thomas Ullathorne and others, on the west by the lands first above described, and on the south and east sides by other land belonging or claimed to belong to the said trustees.

