ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. viii.

An Act to repeal the *Barnsley* Gas Act, and to make other Provisions in lieu thereof, and to authorize the raising of a further Sum of Money.

[28th *May* 1852.]

WHEREAS by a Local Act, First and Second *George* the Fourth, Chapter Seventy-five, the *Barnsley* Gaslight Company were incorporated, and authorized to supply Gas to the Town of *Barnsley*, and to purchase Land and construct Works as they might think fit for such Purpose, and to raise by the Creation of Shares a Capital of Six thousand Pounds, and by Mortgage of the Undertaking the Sum of One thousand five hundred Pounds, but no Shares were authorized to be raised with any Right to a Preference or Priority of Dividends: And whereas the said Company proceeded to carry the Powers of the said Act into execution, and established Works, and lighted various public Streets, Roads, Squares, Market Places, Manufactories, Shops, Inns, and other Buildings, and private Houses, within the said Town, and raised and expended for the Purpose the whole of the said Sums of Six thousand Pounds and One thousand five hundred Pounds: And whereas since the passing of the said Act the Streets, Dwelling Houses, Manufactories, and 1 & 2 G. 4. c. 75.

other Buildings have greatly increased, and in order to meet the additional Demand for Gas occasioned thereby the said Company extended their Works, and have expended in such Extension, over and above the said Sums of Six thousand Pounds and One thousand five hundred Pounds, a further Sum of Six thousand Pounds or thereabouts, which it is desirable should form Part of the Capital Stock of the Company: And whereas the Capital of Six thousand Pounds which the Company raised by the Creation of Shares pursuant to the Provisions of the recited Act was divided into Six hundred Shares of Ten Pounds each: And whereas the Sum of Six thousand Pounds which the said Company expended upon their Works over and above the Six thousand Pounds which they raised by the Creation of Shares was raised out of the Profits of their Undertaking: And whereas it is expedient that more effectual Powers should be given to the said Company for lighting the said Town with Gas, and that they should be authorized to raise a further Sum of Money: And whereas the Objects aforesaid might be more conveniently provided for if the said Act were repealed, and if other Powers and Provisions were granted in lieu thereof, but the same cannot be effected without the Authority of Parliament: May it therefore please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,)

Recited Act repealed.

I. That the said recited Act shall be and is hereby repealed.

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

II. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," (except such of the Provisions thereof as relate to the Purchase of Lands otherwise than by Agreement,) and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

III. That in construing the said "Companies Clauses Consolidation Act," "The Lands Clauses Consolidation Act," and "The Gasworks Clauses Act," as incorporated with this Act, the Expression "the Special Act" shall mean this Act; and the Expression "the Works," or "the Undertaking," shall mean the existing Gasworks of the Company and Works connected therewith, as well as the Gasworks and Works connected therewith which the Company may be by this Act authorized to execute; the Expressions "the Promoters of the Undertaking," or "the Undertakers," shall mean the *Barnsley* Gas Company; and the Expression "Gasworks" shall include the Gasworks and Works connected therewith now belonging to the said Company.

IV. That

IV. That the Word "Company" in this Act shall mean the *Barnsley* Gaslight Company. "Company."

V. That the Expression "Quarter Sessions" in the said incorporated Acts shall be construed to mean the Quarter Sessions for the West Riding of the County of *York* holden at *Wakefield*. "Quarter Sessions."

VI. That, notwithstanding the Repeal of the said Act, the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be and continue a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for using and making Gasworks for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions in this and the said incorporated Acts contained, by the Name of "The *Barnsley* Gas Company," and by that Name shall be and continue a Body Corporate, with perpetual Succession and a Common Seal, and have Powers to purchase and hold and sell Lands for the Purposes of the Undertaking. Company to continue incorporated.

VII. That, notwithstanding the Repeal of the said Act, all the Lands, Tenements, and Hereditaments, Monies, and all Rights, Claims, Easements, and Privileges, and all Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the Company, shall be and remain vested in the Company; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the Company shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the Company; and all Debts which immediately before the passing of this Act were due and owing by the Company shall be paid, with all Interest (if any) due and to accrue due thereon, by the Company; and all Rates or Rents which immediately before the passing of this Act were due and payable, or then accruing due, under or by virtue of the said recited Act, to the Company shall be and remain due and payable to the Company, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates and Rents by this Act made payable; and all Conveyances, Contracts, Mortgages, Bonds, Covenants, Liabilities, Securities, Arrangements, and Agreements, made or entered into before the passing of this Act, to, with, in favour of, or by or for the Company, shall be and remain as valid and effectual, in favour of or against and with reference to the Company, and may be Estates and Liabilities of Company vested in and binding on them.

be proceeded on, enforced, and satisfied, in the same Manner, to all Intents and Purposes, as if this Act had not been passed.

Rates and Rents payable under recited Act to continue payable till altered by this Act.

VIII. That, notwithstanding the Repeal of the said Act, all Rates, Rents, or Charges made or imposed under or by virtue of the recited Act, and which at the Time of the passing of this Act shall be due and payable or accruing due and payable, or if this Act had not passed would have been due and payable, shall continue to be payable until the same shall be altered or reduced under the Authority of this Act, and may be collected and recovered by such Means, and under such Restrictions and Regulations, as any Rates, Rents, or Charges to be received in pursuance of this Act may be collected or received.

Transfers of Shares, &c. to remain in force.

IX. That, notwithstanding the Repeal of the said Act, all Sales, Transfers, and Dispositions executed before the passing of this Act of any Share or Shares in the Joint Stock of the Company shall remain in full force and virtue, and shall be and continue available in all respects whatsoever, in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

Actions, &c. not to abate.

X. That, notwithstanding the Repeal of the said Act, no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company previous to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, the same shall continue to take effect either in favour of or against the Company in the same Manner in all respects as the same would have continued and taken effect in relation to the Company if this Act had not been passed; and also all Penalties incurred by any Offence against the Provisions of the recited Act, previously to the passing of this Act, may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the recited Act may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed.

Penalties to be recoverable.

Books, &c. made Evidence by recited Act to continue so.

XI. That, notwithstanding the Repeal of the said Act, all Books and other Documents whatsoever by the recited Act authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

Officers under recited Act to continue till removed.

XII. That, notwithstanding the Repeal of the said Act, all Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of the recited Act, shall hold and enjoy their respective Offices

Offices and Employments, together with the Salaries and Emoluments thereunto annexed, until they shall be removed therefrom by the Company or Directors; and all such Clerks, Officers, and Persons shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if they had been appointed by virtue of this Act.

Capital.

XIII. That the Capital of the Company shall be Twelve thousand Pounds, subject to the Augmentation as herein-after mentioned, and shall be divided into One thousand two hundred Shares of the nominal Value of Ten Pounds each.

Appropriation of Shares.

XIV. That every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares in the Capital of the Company shall for each such Share be possessed of or entitled to Two Shares in the said Capital of Twelve thousand Pounds, without making any further Payment in respect thereof, and the said Shares are hereby vested in such Persons and Corporations accordingly.

New Shares to be subject to the same Trusts as old Shares.

XV. That all Persons and Corporations in or to whom any Shares in the said Capital of Twelve thousand Pounds shall be vested as aforesaid shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, upon or to which the Share or Shares in the Capital of the Company was or were subject and liable immediately before the passing of this Act, and so as to give effect to and not to revoke any Will or other testamentary Instrument disposing of or affecting such Share or Shares.

Power to raise additional Capital by Creation of new Shares.

XVI. That, in addition to the said Capital of Twelve thousand Pounds, it shall be lawful for the Company, from Time to Time, with the Consent of Two Thirds of the Votes of the Shareholders present in Person or by Proxy at a General Meeting or Meetings specially convened for the Purpose, to raise by Creation of Shares any further Sum or Sums that they may think proper, not exceeding in the whole the Sum of Twenty thousand Pounds, and if they shall think fit, with the like Consent, to guarantee such Amount of Interest or Dividend on the Shares to be so from Time to Time created, or any of them, not exceeding Five Pounds *per Centum per Annum* on the Amount for the Time being paid thereon, and to attach such other Privileges with respect to Preference or Priority, or otherwise, with respect to such Shares or any of them, or the Interest or Dividends to be

payable in respect thereof, as may be agreed upon at such Meeting or Meetings.

Preference Shares created under this Act not to prejudice former ones.

XVII. That no Preference or Priority in the Payment of Interest or Dividends which may be granted under the Provisions of this Act on any Shares or Stock of the Company shall prejudice or affect any Preference or Priority in Payment of Interest or Dividend which may have been previously granted by them under the Provisions of the recited Act on any other Shares or Stock.

New Shares to be offered in the first place to existing Shareholders.

XVIII. That 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 Proprietors of Shares in proportion, as nearly as can conveniently be done, to the Shares held by them respectively, but such Offer need not be made to the Proprietors of any guaranteed or preference Shares, or Stock in respect thereof, unless the Company shall be bound to make such Offer pursuant to the Terms or Conditions under which such guaranteed or preference Shares or Stock shall have been created.

How Offer to be made; and Shares to vest in Persons accepting the same.

XIX. That such Offer shall be made by Letter under the Hand of the Clerk of the Company given to or sent by Post to each Proprietor, 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 said Companies Clauses Consolidation Act 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 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.

As to Disposal of Shares not taken by the Proprietors.

XX. That 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, 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.

Calls.

XXI. That if the Company shall create any Capital under the Provisions of this Act, Forty *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 *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

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by the Company; and in all Cases there shall be an Interval of not less than Three Months between any Two successive Calls; and the aggregate Amount of all Calls on any One Share in One Year shall not exceed Two Thirds of the Amount of such Share.

Power to borrow Money on Mortgage or Bond.

XXII. That the Company may borrow any Sums of Money on Mortgage or Bond, not exceeding in the whole, inclusive of such Sums as may have been borrowed by the Company and may remain unpaid, the Sum of Four thousand Pounds; and after the whole of the additional Capital of Twenty thousand Pounds shall have been subscribed, and One Half of the entire Capital shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any further Sums, not exceeding in the whole, together with the said Sum of Four thousand Pounds, the Sum of Eight thousand Pounds.

Former Mortgages to have Priority.

XXIII. That all Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages and Bonds to be created by virtue of this Act.

Application of Money.

XXIV. That all Money to be 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 this Act authorized, and to no other Purpose.

Numbers and Qualification of Directors.

XXV. That, subject to the Provisions herein contained for reducing the Number of Directors, the Directors of the Company shall be Six; and the Qualification of a Director shall be the Possession by him in his own Right of as many Shares in the Undertaking as will represent the Sum of One hundred Pounds of paid-up Capital.

Power to vary the Number of Directors.

XXVI. That it shall be lawful for the Company, by Vote of any General Meeting, from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Three.

First Directors.

XXVII. That the Persons who immediately before the passing of this Act constituted the Committee of the Directors of the Company shall be the First Directors of the Company.

Election of future Directors.

XXVIII. That the Directors appointed by this Act shall continue in Office until the Ordinary Meeting to be held on the last *Monday* in *January* One thousand eight hundred and fifty-three, at which Meeting they shall retire from Office, and at such Meeting the Shareholders

holders present personally or by Proxy shall elect a new Body of Directors, not to exceed Six in Number; and at every subsequent Ordinary Meeting on the last *Monday* in *January*, or some Adjournment thereof, One Half, as near as may be, of the Directors, shall go out of Office, and the Shareholders present personally or by Proxy shall in like Mannner elect Persons to supply their Places, the Directors so retiring, or any of them, being nevertheless eligible for Re-election; and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, under the Provisions of this Act.

Remuneration of the Directors and Auditors.

XXIX. That the Remuneration of the Directors and Auditors shall from Time to Time be fixed by a General Meeting of the Company, and shall be paid out of the Rents, Rates, or Sums receivable under this Act.

Quorum.

XXX. That a Quorum of a Meeting of the Directors shall be Three, so long as there are Six or more Directors, and if the Number of Directors be less than Six, the Quorum of a Meeting shall be Two.

Committee of Directors.

XXXI. That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Two nor more than Five, and the Quorum of such Committees shall be fixed by the Directors.

Quorum of General Meeting.

XXXII. That the Quorum for any General Meeting of the Company shall be Five Shareholders holding Shares of the aggregate Amount of not less than One hundred Pounds.

First and other Meetings.

XXXIII. That the First Ordinary Meeting of the Company shall be held on the last *Monday* in the Month of *January* One thousand eight hundred and fifty-three, and the subsequent Ordinary Meetings of the Company shall be held on the last *Monday* in *January* 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 *Barnsley* as the Directors shall appoint.

Scale of voting.

XXXIV. That at any General Meeting of the Company every Shareholder present in Person or by Proxy shall have One Vote for every Ten Pounds of the Capital of the Company held by him up to One hundred Pounds, and an additional Vote for every Twenty-five Pounds of such Capital held by him beyond One hundred Pounds: Provided always, that no Shareholder shall be entitled to vote at any Meeting

Meeting unless he shall have paid all Calls then due upon the Shares held by him.

Number of Shareholders to call Extraordinary Meetings.

XXXV. That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Five holding in the aggregate not less than One hundred Pounds in the Capital of the Company.

Amount of reserved Fund.

XXXVI. That the Amount of the reserved or contingent Fund shall be One Tenth Part of the Capital of the Company for the Time being called up and paid.

Limits of the Act.

XXXVII. That the Limits of this Act shall comprise the Town of *Barnsley* in the County of *York*.

Power to purchase Lands.

XXXVIII. Whereas the Company were authorized by the recited Act to purchase by Agreement with the Owners of and other Persons interested in Lands any Quantity of Land not exceeding Three Statute Acres, for the Purpose of their Undertaking: It shall be lawful for the Company to purchase any Quantity of Land by Agreement with the Owners, Lessees, and Occupiers thereof, not exceeding in the whole, together with such other Lands as may then be vested in them, Five Statute Acres.

Company empowered to construct Gasworks.

XXXIX. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Retorts, Gasometers, Receivers, Drains, Sewers, Machinery, and other Works and Apparatus, and all such Houses and Buildings, and Approaches thereto, upon the Lands hereby authorized to be held or purchased by the Company, and to do all such other Acts as they shall think proper, consistently with the Provisions of this Act, for supplying Gas within the Limits of this Act, and for other Purposes authorized by this Act, and to sell, manufacture, and dispose of Coke and Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, in such Manner as the Company may think proper.

Company empowered to lay Pipes for lighting Buildings.

XL. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipes, into, through, or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Consumers may be required to consume Gas by Meter.

XLI. That every Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter, to be found and provided by the Company, if the Consumer shall not think fit to provide the same at his own Expense.

Powers for Recovery of Rent under 50*l.*

XLII. That if any Person supplied with Gas by the Company, or having hired from the Company any Meters or Fittings for Gas, neglect to pay the Rent due for the same to the Company, and the Rent so due does not amount to Fifty Pounds, the Company may recover the same, together with the Expenses of cutting off the Gas, in any Court of competent Jurisdiction, as well as in the Manner prescribed for the Recovery thereof in the "Gasworks Clauses Act, 1847."

Expenses of Act.

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

Saving of Rights.

XLIV. That nothing in this Act contained shall (except so far as Authority is expressly given by this Act) extend or be construed or deemed or taken to affect, extinguish, defeat, abridge, impeach, annul, prejudice, or destroy the Right, Title, or Interest of *Sackville Walter Lane Fox* Esquire, Lord of the Manor of *Barnsley*, or the Lord of the Manor of *Barnsley* for the Time being, of, in, or to the Seignories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Liberties, Privileges, Powers, and Authorities appendant, appurtenant, incident, or belonging to the said Manor of *Barnsley*, or to any Rents, Tolls, Pickages, Stallage, Free Customs, Dues, Duties, Profits, or Advantages belonging, due, or in anywise appertaining to the said *Sackville Walter Lane Fox*, Owner of the Fairs and Markets within the said Town of *Barnsley*, or the Owner of such Fairs and Markets for the Time being, but that the said *Sackville Walter Lane Fox*, Lord of the said Manor, and the Lord of the said Manor for the Time being, shall (except in this Act expressly excepted) have, hold, use, exercise, take, and enjoy all and every the Seignories, Rights, Royalties, Franchises, Pre-eminences, Jurisdictions, Rents, Services, Powers, Authorities, Liberties, Privileges, Advantages, and Emoluments whatsoever to the said Manor belonging or incident, appendant or appurtenant, or usually exercised, holden, or enjoyed therewith; and the said *Sackville Walter Lane Fox*, Owner of the said Fairs and Markets, and the Owner of the said Fairs and Markets for the Time being, shall and may demand, exact, take, and enjoy all such Rent, Tolls, Pickage, Stallage, Free Customs, Dues, Duties, Profits, and Advantages, with all Powers and Remedies for enforcing Payment thereof, in such and the like Manner, and as fully and beneficially, to all Intents and Purposes, as if this Act had not been passed.

XLV. That

The Barnsley Gas Act, 1852.

XLV. That in citing this Act in Acts of Parliament, and legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Barnsley* Gas Act, 1852." Short Title.

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