ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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Ten Pounds each: And whereas the Population and House Property of *Elsecar*, *Wentworth*, and *Hoyland*, and the Neighbourhood thereof, within the District hereafter mentioned, have of late Years much increased and are still increasing, and it would be of public Advantage if Provision were made for the efficient lighting with Gas of those Places and the Places adjacent thereto, within the Limits herein-after defined, and if the Capital of the Company were increased and regulated, and the requisite Powers were conferred upon them for such Purpose: And whereas it is expedient that the Company be incorporated in manner herein-after mentioned, and that Powers be conferred for enabling them effectually to carry on their Undertaking; but the Objects aforesaid 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.

1. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Elsecar*, *Wentworth*, *and Hoyland* Gas Act, 1863."

The same Meaning to Words in this Act as in incorporated Acts.

2. The Expression "the limited Company" in this Act shall mean "The *Elsecar*, *Wentworth*, *and Hoyland* Gaslight and Coke Company (Limited);" and the Expression "the Company" in this Act shall mean the Company hereby incorporated; and the Word "Undertaking" in this Act shall mean all the Property and Powers of the Company of whatever Nature, unless there be something in the Subject or Context repugnant to such respective Constructions.

8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 15., and 23 & 24 Vict. c. 106. incorporated.

3. The several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," (except the Provisions thereof with respect to the Purchase and taking of Lands otherwise than by Agreement), "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are incorporated with this Act; and in construing those Acts respectively in connexion with this Act the Expression "the Company" and "the Undertakers" respectively shall mean the Company, and the Expressions "the Undertaking" and "the Gasworks" shall include all the Works by this Act vested in the Company.

Limits of Act.

4. The Limits of this Act shall comprise and include the Hamlet of *Elsecar*, the Chapelries of *Wentworth* and *Nether Hoyland*, and the Township of *Brampton Bierlow*, all in the Parish of *Wath-upon-Dearne* in the County of *York*, and the Chapelry of *Wombwell* in the Parish of *Darfield* in the said County.

5. The

Incorporation of Company.

5. The limited Company is hereby dissolved, and the several Persons who immediately before the passing of this Act were Proprietors of Shares in the limited Company, and the several Persons and Corporations who shall hereafter subscribe to or become Proprietors of Shares in the Undertaking, and their respective Executors, Administrators, Successors, and Assigns, are hereby united and incorporated into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for making and selling Tar and other Products arising from the Materials used in the Manufacture of Gas, and for the Purposes herein-after mentioned, or by this or the incorporated Acts authorized, by and under the Name of "The *Elsecar, Wentworth, and Hoyland* Gas Company," and by that Name shall be a Body Corporate with perpetual Succession, and shall have a Common Seal, and shall and may sue and be sued, and shall and may purchase and hold Lands, not exceeding Four Acres, for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

General Powers of Company

6. Subject to the Provisions of this and the incorporated Acts, the Company may make and supply Gas within the Limits of this Act, and may sell, manufacture, and dispose of Coke, Coal, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Matters the Products of the Coal or other Materials, or which can or may be compounded or produced from the Coal or other Materials employed in the Manufacture of such Gas, and may also manufacture and sell, let, or deal in Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks or with the Supply of Gas to the Consumers thereof in such Manner as the Company may think proper.

Property of the limited Company vested in the Company incorporated.

7. All Lands, Works, Erections, Buildings, Rights, and Easements which immediately before the passing of this Act were vested in the limited Company, or any Person on their Behalf, or to which the limited Company were entitled, either at Law or in Equity, and all Mains and Pipes, Apparatus, Matters, and Things which immediately before the passing of this Act were the Property of or belonged to the limited Company, and all Monies, Securities, Credits, Effects, Choses in Action, and other Property whatsoever vested in the limited Company, or in Trustees on their Behalf, are hereby vested in the Company.

Describing Lands.

8. The Lands on which the Company may erect Works for the Manufacture of Gas are the Lands at present occupied by the Company in the Hamlet of *Elsecar*, and are bounded on all Sides by Lands belonging to Earl *Fitzwilliam*, and no Works for the Manufacture of Gas shall be erected by the Company on any other Lands.

Memorandum of Association

9. Subject to the Provisions of this Act, the Memorandum of Association of the limited Company shall as to any future Operation thereof from

made void without Prejudice to Remedies for antecedent Breaches.

from and after the passing of this Act be wholly void, and the several Persons who were liable to the Provisions of the said Memorandum of Association, and their Heirs, Executors, and Administrators, shall, immediately from and after the passing of this Act, stand and be by virtue hereof released and discharged from any future Obligation to observe, perform, abide by, fulfil, or conform to the said Memorandum of Association or the Provisions of the Agreements therein contained: Provided always, that nothing herein contained shall release or discharge any Person from any Liability or Obligation in respect of any Breach of the Provisions of such Memorandum of Association which may have been incurred prior to the passing of this Act, but such Liability or Obligation shall subsist and continue, and may be enforced according to the Provisions of such Memorandum of Association, as if this Act had not been passed, provided Proceedings to enforce the same be instituted within Three Months after the passing of this Act.

Saving previous Rights and Liabilities.

10. Notwithstanding the Incorporation of the Company and the Avoidance of the said Memorandum of Association, and except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the limited Company or the Shareholders therein in that Capacity shall be as valid as if the Company had not been incorporated, and the said Memorandum of Association had not been avoided by this Act, and such Incorporation and Avoidance 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 Company were not incorporated, and the said Memorandum of Association were not avoided, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents and Purposes represent the limited Company and the Shareholders therein in the Capacity of Shareholders: Provided always, that the Generality of the Provisions contained in this Enactment shall not be confined or restricted by any of the other Provisions of this Act.

Contracts, &c. prior to Act to be binding.

11. All Deeds, Contracts, Bonds, Agreements, Orders, Resolutions, and Proceedings entered into, made, or done before the passing of this Act by or with the limited Company, or any Directors, Trustees, or Persons acting on behalf of the limited Company, and in force at the Time of the passing of this Act, shall be as binding and as of full Force and Effect in all respects against or in favour of the Company, and may be enforced as fully and effectually, as if, instead of the limited Company or the Trustees or Persons acting on behalf of the limited Company, the Company had been a Party thereto.

12. Nothing

Actions, &c. not to abate.

12. Nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity pending by or against the limited Company, or any Member or Trustee thereof, in relation to the Affairs of the limited Company, or to which the limited Company or any Member or Trustee thereof in relation to such Affairs were Parties immediately before the passing of this Act, but every such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by, in favour of, or against the Company (as the Case may be) in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the limited Company, or any Member or Trustee thereof, if this Act had not been passed, the Company being in reference to the Matters aforesaid in all respects substituted for the limited Company or the Members or Trustees thereof.

Gas Rates, &c. to be recovered.

13. All Gas Rates, Rents, and Sums of Money which immediately before the passing of this Act were due and payable or accruing to the limited Company shall be payable to and may be collected and recovered by the Company in like Manner as the Gas Rates and Rents under this Act.

Payment of Debts.

14. All Persons who, immediately before the passing of this Act owed any Money to the limited Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing upon the same, to the Company; and all Debts and Monies which immediately before the passing of this Act were due or owing or recoverable from the limited Company, or for the Payment of which the limited Company are or but for this Act would be liable, shall be paid, with all Interest, if any, due or payable or accruing upon the same, by or be recoverable from the Company.

Shareholders in limited Company entitled to Profits to June 1863.

15. The Shareholders in the limited Company shall be entitled to all Profits of the limited Company up to the Thirtieth Day of *June* One thousand eight hundred and sixty-three, and the same shall, as soon as conveniently may be, be divided and paid by the Company to and amongst the Persons who at the passing of this Act were the Shareholders in the limited Company in the same Way as the same could and ought to have been divided and paid by the limited Company to and amongst such Persons if this Act had not passed.

Certificates, &c. to remain in force.

16. Notwithstanding the Avoidance of the said recited Memorandum of Association, all Certificates, Sales, Transfers, and Dispositions heretofore made or executed under the same of or with respect to any Shares in the limited Company shall remain in full Force, and continue and be available in all respects as if the said Memorandum had not been avoided.

17. Every

Trustees of the limited Company to be indemnified.

17. Every Trustee or other Person in whom or in whose Name any Lands, Works, Erections, Buildings, or Property belonging to the limited Company were vested immediately before the passing of this Act, and who shall have entered into any Bond, Covenant, Contract, or Engagement in respect of or with reference to such Lands, Erections, Buildings, or Property, or who shall have entered into any other Contract on behalf of the limited Company, shall be indemnified and saved harmless out of the Funds or Property of the Company from all Liability, and against all Loss, Costs, Charges, and Expenses which he may sustain, incur, or be put unto, by reason or in consequence of his having entered into any such Bond, Covenant, Contract, or Engagement.

Officers to continue until removed.

18. All Officers and Servants of the limited Company who were in Office immediately before the passing of this Act shall hold and enjoy their respective Offices and Employments, together with the Salaries and Emoluments thereunto annexed, until they shall resign the same or be removed therefrom, and 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 Conditions, Obligations, Pains, and Penalties, and to the like Powers of Removal, and to the like Rules, Restrictions, and Regulations, in all respects whatsoever, as if they had been appointed under this Act.

Capital of the Company and Division of Capital into Shares.

19. The Capital of the Company shall (subject to Augmentation as herein-after mentioned) be Twelve thousand Pounds, divided into Eight hundred Shares of Five Pounds each and Eight hundred Shares of Ten Pounds each.

New Shares vested in Holders of Shares in the limited Company.

20. The Shares of Five Pounds hereby created shall be deemed fully paid up, and are by this Act vested in the Persons who at the passing of this Act are the Holders of the original Eight hundred Shares of Five Pounds each in the limited Company, after the Rate of One of such Five Pounds Shares hereby created for each such original Share in the limited Company; and the Shares of Ten Pounds each hereby created shall, without Prejudice to the Provision hereby made for enforcing any Calls made but not paid at the passing of this Act, be deemed to be paid up to the Extent of the Calls made thereon at the passing of this Act, and are by this Act vested in the Persons who at the passing of this Act were the Holders of the Eight hundred Shares of Ten Pounds each in the limited Company, after the Rate of One of such Shares of Ten Pounds each hereby created for each such Ten Pound Share in the limited Company; and the several Shares of Five Pounds and Ten Pounds each hereby created are hereby so vested in the several Persons aforesaid upon the same Terms, and subject to the same Powers, Provisions, Agreements, Charges, and Incumbrances, upon or to which their respective Shares in the limited Company were at the passing of this

Act

Act held or subject, and so as to give effect to and not revoke any Will or other Instrument disposing of or affecting any such Share in the limited Company.

Certificates of existing Shares to be given in to be cancelled.

21. No Person shall be entitled to a Certificate of his Shares in the Company until he shall deliver to the Company the Certificate of his Shares in the limited Company, or prove to the Satisfaction of the Directors of the Company that such last-mentioned Certificate has been destroyed or lost.

Power to create additional Capital and Appropriation thereof.

22. In addition to the said Capital of Twelve thousand Pounds the Company may 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, raise by the Creation of new Shares any further Sum or Sums, not exceeding Twelve thousand Pounds, that they may think proper; and the Sum or Sums to be so raised shall be divided into Shares of such Amount as will conveniently allow of the same being apportioned amongst the then Shareholders in proportion to the nominal Value of the Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; such Offer shall be made by Letter under the Hand of the Secretary, given to or sent by Post, addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last known Place of Abode, of which Letter having been so given, sent, or left a Certificate of such Secretary shall be conclusive Evidence; the said new Shares shall vest in the Shareholders who shall accept the same, and pay the Amount thereof to the Company at the Times and by the Instalments which shall be fixed by the Company; and if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, or pay the Instalment called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

Limiting Dividends on new Capital.

23. The Profits to be divided by the Company upon the said additional Capital of Twelve thousand Pounds by this Act authorized to be created shall not exceed Seven Pounds Ten Shillings *per Centum per Annum* in respect of so much of such additional Capital as shall from Time to Time be paid up.

Borrowing Powers.

24. The Company may from Time to Time after the passing of this Act borrow on Mortgage any Sum or Sums not exceeding the Sums following; that is to say, after the passing of this Act the Sum of One thousand Pounds, and when One Half of the further Capital of Eight thousand Pounds is paid up the Company may borrow the further Sum of Two thousand Pounds, and when the additional Capital of Twelve thousand

thousand Pounds has been created and subscribed for, and One Half thereof has been paid up, the Company may borrow the further Sum of Three thousand Pounds; but no Part of such several Sums of Two thousand Pounds and Three thousand Pounds shall be borrowed until the Company shall have proved to the Justice, who is to certify under the Provisions contained in the Fortieth Section of the "Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital in respect of which such Powers of borrowing is to be exercised has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Application of Sums raised.

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

Newspaper for Advertisements.

26. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in any of the Towns of *Sheffield*, *Rotherham*, or *Barnsley*.

First General Meeting.

27. The First General Meeting of the Shareholders of the Company shall be held within Four Calendar Months after the passing of this Act.

Manner of voting at Meetings.

28. The Scale of voting at General Meetings shall be One Vote for every Five Pounds nominal Capital.

Number of Directors.

29. The Number of Directors shall be Seven, of whom Three shall be a Quorum.

Power to vary the Number of Directors.

30. The Company may from Time to Time increase or reduce the Number of Directors, provided they be not increased to more than Nine, nor reduced to less than Five.

First Directors.

31. The Persons who at the Time of the passing of this Act are the Directors of the limited Company shall be the First Directors of the Company.

Qualification of Directors.

32. The Qualification of a Director shall be the being possessed of One hundred Pounds of the Capital of the Company.

Company empowered to lay down Pipes, &c.

33. Subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company from Time to Time to maintain, make, construct, lay down, alter, or discontinue such Retorts, Gasometers, Receivers, Pipes, Drains, Sewers, Machinery, and other Works and Apparatus whatever, and also such Houses, Buildings, and Approaches

Approaches upon the Lands belonging to or held by the Company, and to do all such other Acts as they shall think proper for manufacturing and supplying Gas within the Limits of this Act, and for other Purposes authorized by this Act.

Company may contract for lighting Streets.

34. The Company may from Time to Time enter into any Contract or Agreement with any Corporation, Trustees, or other Persons having the Control, Direction, or Management of the several Streets, Roads, Bridges, and other public Passages and Places, or any of them, within the Limits of this Act, for lighting and supplying the same, or any of them, or any Part thereof with Gas, or for supplying the same with Pillars, Posts, and Lamps, and Repairs thereof respectively, as shall be agreed upon between the Company and such Corporations, Trustees, Surveyors, or other Persons respectively.

Company may lay down Pipes for lighting Buildings.

35. The Company may, with the Consent of the Occupier of any Building, lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipe into, through, or against such Building for the Purpose of lighting the same, and may provide and set up, with the like Consent, 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, and may from Time to Time repair, replace, alter, or discontinue and remove any such Pipe, Branch, or Apparatus.

Penalty for injuring Meters.

36. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fitting belonging to the Company, or shall alter the Index to any Meter, or who shall otherwise fraudulently consume or use the Gas of the Company, shall, without Prejudice to any other Right and Remedy for the Protection of the Company, or to the Punishment of the Offender, forfeit to the Company a Sum not exceeding Five Pounds for each Offence; and the Company may in addition thereto recover the Amount of any Damage by them sustained over and above the Sum awarded in respect of the said Penalty.

Undisputed Rates or Rents may be recovered by Distress.

37. All Gas Rates or Rents, or Remuneration for Gas, due to the Company, and all Damages, Costs, and Expenses by this Act or any Acts incorporated therewith directed to be paid, and all Costs of furnishing and fixing any Gas Meters or Pipes, or for the Sale or Hire thereof, and the Amount of which shall not be disputed, may be levied by Distress, and any Justice, on Application, may issue his Warrant accordingly.

Costs of Proceedings may be included in Warrant of Distress.

38. Any Justice who shall issue any Warrant of Distress for the Recovery of any Money payable under this Act or any Act incorporated herewith may order that the Costs of the Proceedings for the Recovery

Recovery of such Money shall be paid by the Persons liable to pay such Sum of Money, and such Costs may be ascertained by such Justice, and may be included in the Warrant of Distress for the Recovery of such Money.

Several Names and Sums may be included in One Warrant.

39. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Liabilily to Gas Rate not to disqualify Justices.

40. No Justice shall be disqualified from acting in the Execution of this Act by reason of his being liable to the Payment of any Rate or other Charge under this Act.

Sums due to the Company may be recovered by Action.

41. The Company may recover any Sum of Money due to them, whether for Gas Rates or Gas Rents, or for any Gas Meter or Pipe, or the Rent or Use thereof, or for Damages, Costs, or Expenses, or otherwise, by Action or Proceedings in any Court of competent Jurisdiction for the Trial of any Action of Debt of the like Amount.

As to Quality of Company's Gas.

42. Unless prevented by Frost or unavoidable Cause or Accident, or during necessary Repairs, all the Gas supplied by the Company shall be of such Quality as to produce, from an Argand Burner having Fifteen Holes and a Seven Inch Chimney, and consuming Five Cubic Feet of Gas *per* Hour, or other approved Burner and Chimney consuming that Quantity, a Light equal in Intensity to the Light produced by not less than Fourteen Sperm Candles of the best Quality of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Price of Gas.

43. The maximum Charge for Gas supplied by the Company, exclusive of the Rent for the Use of Meters or other Apparatus, shall be after the Rate of Five Shillings and Tenpence for One thousand Cubic Feet of such Gas.

Company to erect a Meter to test Purity of Gas.

44. The Company shall, within Twelve Months after the passing of this Act, cause to be erected in some convenient Part of their Works an experimental Meter, furnished with an Argand Fifteen Hole Burner and a Seven Inch Chimney, or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, and so placed as to test all the Gas of the Company, with other necessary Apparatus for testing the illuminating Power of Gas.

Power to Justices on Requisition to authorize testing of Gas.

45. Two Justices, not being Shareholders of the Company, on receiving a Requisition, signed by not less than Five Consumers of the Company's Gas, complaining that the Gas supplied to them is not, in their Judgment and Belief, of the full illuminating Power prescribed by this

this Act, may, if they shall think fit, by Order in Writing under their Hands, appoint some competent Person to proceed to the Works of the Company, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Company, may at any reasonable Hour in the Daytime, on producing the Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power of the Gas of the Company by means of the experimental Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall thereupon be proved to the Satisfaction of the said Two Justices, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the said Justices shall determine.

Cost of Experiment to be paid according to the Event.

46. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Cost of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company shall be paid, together with such Penalty, by the Company; but in the event of the Gas being found, when tested, to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid by the several Persons making such Requisition as aforesaid to the Company, and shall be paid or levied accordingly.

Expenses of Act.

47. All the Costs, Charges, and Expenses of applying for and passing this Act, and incident thereto, shall be paid by the Company.

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