CHAPTER cxx.

An Act to enable the Lincoln Gaslight and Coke Company to execute new works; to extend their limits of supply; to enable them to raise more money; and for other purposes. [7th July 1873.]

A.D. 1873.

WHEREAS by an Act of Parliament passed in the ninth year of the reign of His late Majesty King George the Fourth, and intituled "An Act for lighting with Gas the City of Lincoln "and the Bail and Close of Lincoln in the County of Lincoln" (and herein-after called "the existing Act"), the Lincoln Gaslight and Coke Company (herein-after called "the Company") were incorporated, and were (amongst other things) authorised to manufacture and supply gas to the several places in the said existing Act mentioned: 9 G. 4. c. xxiv.

And whereas by the existing Act the Company were authorised to raise eight thousand pounds in share capital, and were empowered to borrow two thousand pounds:

And whereas the Company have raised the whole of the said share and loan capital authorised by the said existing Act, and in addition thereto have expended out of the profits of their undertaking large sums of money, amounting in the whole to the sum of thirty-six thousand five hundred pounds or thereabouts, upon the improvement and extension of the works, mains, and other appliances of the Company for the manufacture, storage, and distribution of gas, and upon other matters relating to the lighting the city of Lincoln and the Bail and Close of Lincoln:

And whereas the Company have repaid the said loan of two thousand pounds:

And whereas it is expedient that stock to the amount of the said sum of thirty-six thousand five hundred pounds, so expended upon improvements and extensions and repayment of loan as aforesaid, should be created, and should be distributed rateably among the shareholders of the Company in the manner and under the conditions herein-after set forth:

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And whereas the Company is unrestricted either as to the extent of its dividends or the price or illuminating power of the gas manufactured and sold by the Company, and it is expedient that in these as in regard to other matters, provided the capital of the Company be declared and re-adjusted as herein-after mentioned, the Company should be subjected to the provisions, regulations, and restrictions of the several statutes incorporated in and by this Act:

And whereas it is expedient that the works herein-after mentioned should be executed by the Company, and that for the purpose of defraying the cost thereof, and for carrying out from time to time the general purposes of the Company, the Company should be empowered to raise the moneys herein-after mentioned:

And whereas it is expedient to make further regulations for the internal management of the Company, and especially in respect to the powers of voting and other privileges to be exercised by shareholders in the Company, and to the qualification of the directors of the Company:

And whereas the several objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it be enacted; and be it enacted by the Queen's most Excellent Majesty, and 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:

Short title.

1. This Act may be cited for all purposes as "The Lincoln Gaslight and Coke Company's Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Gasworks Clauses Act, 1847," and "The Gasworks Clauses Act, 1871," are (save where expressly varied or excepted by this Act) incorporated with and form part of this Act, and shall apply to the Company's undertaking, lands, works, buildings, and erections under the existing Act, as well as to those under this Act.

Provisions of other general Acts herein named incorporated.

3. "The Lands Clauses Consolidation Acts, 1845," (except the clauses and provisions of that Act with respect to the entry upon, purchase, and taking of lands otherwise than by agreement,) "1860, and 1869;" "The Companies Clauses Consolidation Act, 1845;" and Part I., relating to the cancellation and surrender of shares, and Part II., relating to additional capital, of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," are (save where expressly varied or excepted by this Act) incorporated with and form part of this Act: Provided always, that whenever the provisions of the existing Act conflict with the provisions of any of

the several Acts incorporated herewith, the provisions of the said incorporated Acts shall prevail. A.D. 1873.

Interpretation of terms.

4. In this Act the expression "the Company" means the Lincoln Gaslight and Coke Company; the expression "the local board" means the mayor, aldermen, and citizens of the city of Lincoln, as being or exercising the powers of a local board of health for the said city; and the expression "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Extension of limits of Company.

5. The limits within which the Company may carry on the undertaking of the Company, and exercise the powers as well of this Act as of the existing Act, that is to say, the city of Lincoln and the Bail and Close of Lincoln, in the county of Lincoln, shall, in addition to the limits prescribed by the existing Act, comprise and include the several parishes of Bracebridge, Boultham, and Canwick, in the parts of Kesteven, in the county of Lincoln, and the extra-parochial place of South or Canwick Common, in or adjoining the said city of Lincoln, respectively.

Creation of improvement stock.

6. Within a period of six calendar months after the passing of this Act, the directors of the Company shall create stock of the Company, to be called improvement stock, to the amount of thirty-six thousand five hundred pounds, and shall issue and distribute the same as soon as created as fully paid-up stock to and among the shareholders of the Company in proportion to the shares in the Company held by each shareholder, and such stock shall bear interest at the rate of five per centum per annum.

Additional capital.

7. The Company may from time to time, in addition to their said existing ordinary share capital, as declared and re-arranged by this Act, raise an additional capital of twenty thousand pounds by the creation and issue of four hundred new ordinary shares of fifty pounds each, to be called "new shares," and such shares, when created and issued, shall form part of the ordinary share capital of the Company.

Shares not taken by shareholders to be offered to the public.

8. The said "new shares" shall in the first instance (whether at the time of the issue thereof the Company's ordinary shares be or be not at a premium) be offered to the then holders of the Company's ordinary shares as created or reconstituted by this Act,

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according to the provisions of "The Companies Clauses Act, 1863," and all such new shares of which any such holder shall not within twenty-one days after the offer thereof to him signify his acceptance shall at the expiration of that period be offered for sale by public auction or otherwise, within the city of Lincoln, in lots of not more than five shares each, and in such manner, at such times, and subject to such terms and conditions of sale, not inconsistent with the provisions of this Act, as the directors of the Company think fit: Provided, that at any such sale the reserved price shall not be more than the nominal value of the shares offered for sale.

Sales to be advertised.

9. Every such sale by auction shall be advertised once in each of two successive weeks before the sale in some one and the same newspaper published in the city of Lincoln.

Application of premium.

10. All moneys received upon such sales by way of premium shall be applied as part of the capital of the Company, but shall not be entitled to dividend.

Shares not to issue until one fifth paid up.

11. The Company shall not issue any of the said "new shares," nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

12. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Limit of dividends on new capital.

13. The Company shall not in any year pay out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Power to borrow on mortgage.

14. The Company may from time to time borrow on mortgage any sum or sums not exceeding twenty thousand pounds in the aggregate.

Restriction on borrowing.

15. Provided, that no part of any of the said sum of twenty thousand pounds by this Act authorised to be borrowed shall be so borrowed until the whole of the new ordinary shares authorised by this Act to be created are issued and accepted, and one half of the additional capital represented thereby is paid up, and the Company have proved to the justice who is to certify under the fortieth

section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such new ordinary shares have been issued and accepted, and that one half of such additional capital has been paid up, and that not less than one fifth part of the amount of capital represented by each separate new ordinary share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such shares, and the additional capital represented thereby, were issued bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and 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 shall be sufficient evidence thereof.

Power for mortgagees to have receiver appointed.

16. The mortgagees of the Company may enforce the payment of arrears of interest or of principal, or of principal and interest, due upon their mortgages by the appointment of a receiver, but no receiver shall be appointed in respect of arrears of principal unless the amount owing to the mortgagees on behalf of whom the appointment is to be made shall exceed in the aggregate the sum of one thousand pounds.

Restriction as to conversion of borrowed money into capital.

17. The Company shall not have power to convert money borrowed under this Act into capital other than preference or ordinary stock, with a maximum dividend of five pounds per centum per annum.

Priority of mortgages over other debts, &c.

18. All moneys raised on mortgage by the Company under this Act, and the interest due thereon, 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 rent-charge 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," nor shall such priority affect any claim for land taken, used, or occupied by the Company for the purposes of their works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Application of moneys.

19. All moneys raised under this Act, whether by shares or borrowing, shall be applied only for the purposes of this Act and of the existing Act.

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Qualification of directors.

20. From and after the passing of this Act, no person shall be qualified for election as a director of the Company who is not the holder in his own right of five or more of the ordinary shares of the Company, and for the purpose of such qualification, as well as for all other purposes whatsoever of the Company or its undertaking, the shares of the Company representing the existing capital of the Company as re-arranged by this Act, and the new ordinary shares of the Company authorised to be created under this Act, shall alike be considered as ordinary shares of the Company.

Votes of shareholders.

21. Every shareholder at every meeting of the Company, and whether voting in person or by proxy, shall henceforward be entitled to a vote or votes, as the case may be, upon the following scale; namely, every holder of less than five shares shall have one vote; of five shares and less than ten shall have two votes; of ten shares and less than twenty shall have three votes; of twenty shares and less than thirty shall have four votes; of thirty shares and less than forty shall have five votes; and of forty shares and upwards shall have six votes and no more.

Power to purchase lands and maintain and erect gasworks.

22. The Company may purchase by agreement and may hold the lands described in the schedule to this Act or any part thereof, and may on those lands or any part thereof erect, construct, and maintain, and from time to time alter or enlarge, retorts, gasholders, receivers, meters, apparatus and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom, and all proper approaches and conveniences for the purposes of such works.

Prohibiting certain works, except on lands described in schedule.

23. The Company shall not manufacture gas or convert or manufacture any residual products except upon the lands described in the schedule to this Act.

Future pressure, quality of gas, testing place, &c.

24. On and from the expiration of six months from the passing of this Act the prescribed pressure in the mains shall be such as to balance from midnight to sunset a column of water not less than three quarters of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height at the main, as near as may be to the junction therewith of the service pipe supplying any 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 pressure. The prescribed number of sperm candles of six in the pound shall be fourteen; the prescribed place for the testing place shall be at or near the Guildhall or Town-hall for the time being; and the prescribed burner shall be Sugg's London argand burner No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, but if at any time the gas flame tails over the top of that glass a six-inch by two-inch chimney shall be used.

Maximum price of gas within the district of the municipal borough.

25. The maximum price at which gas shall be sold by the Company to all persons who shall burn the same by meter shall not exceed the sum of four shillings and sixpence per one thousand cubic feet.

Company to pay interest on money deposited as security for meter rent.

26. Where any owner or occupier is required by the Company to give to them security for the payment of the price or rent of a meter, the Company shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to purchase other lands.

27. In addition to the lands described in the schedules to this Act and the existing Act, the Company may by agreement, but not otherwise, purchase any other lands not exceeding in the whole two acres.

Special audit of accounts.

28. The corporation of Lincoln shall appoint and pay in every year a fit person, and the Company shall appoint and pay another fit person, which two persons shall together examine and audit the annual accounts of the Company for the year in which they shall have been so appointed, and for the year preceding, in the manner and with the powers provided by "The Companies Clauses Consolidation Act, 1845," the provisions of which Act shall also apply to the appointment of such auditor by the Company, provided that neither of the auditors need to be a shareholder.

Company to make map of mains.

29. The Company shall, within one year after the passing of this Act, make a map of the district within which their main gas pipes then lie, on a scale of not less than two feet to a mile, and shall mark thereon the lines and sizes of all their then existing mains, and shall once in every year correct the map and make such additions thereto as will show the lines and sizes of all their mains.

As to custody and inspection of map.

30. Every map so made by the Company, with the time when it was made or was last so corrected expressed thereon, shall be kept by the Company at their principal office in the city of Lincoln, and

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shall at all reasonable times be open to the inspection of the council of the said city and of any other local authorities and the respective officers of the said council and local authorities, who may take copies or extracts from the same, and the secretary of the Company may charge and take the sum of one shilling for every inspection of such map at the office of the Company.

Penalty on the Company for any default.

31. If the Company fail to comply with any of the requirements of this Act with respect to such map, they shall for every such offence forfeit and pay to the local authorities of the district as to which any such default shall be made such sum not exceeding ten pounds as two justices shall determine.

Expenses of Act.

32. All the costs, charges, and expenses of and incident to the preparing and applying for, and the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

SCHEDULE to the foregoing Bill.

A piece or parcel of land, being the western portion of a close of land called "Bromhead's Close," and separated from the eastern portion of the said close by the branch line of the Great Northern Railway from Lincoln to Honington, situate in the parish of Bracebridge in the county of Lincoln, and belonging or reputed to belong to Faith Jackson, Elizabeth Jackson, and Sarah Jackson, and in the occupation of Richard Pennell and Charles Pennell, gardeners, or one of them, which said piece or parcel of land contains in the whole six acres and fifteen perches or thereabouts, and is bounded on the north by a messuage and garden belonging to or reputed to belong to and in the occupation of Joseph Proctor, on the east by the said branch line of the Great Northern Railway, on the south in part by land belonging to or reputed to belong to and in the occupation of William Bartholomew Best, and partly by tenements and gardens belonging to or reputed to belong to Julia Seely and Fanny Seely, and in the occupation of William Lievesley and William Kirk respectively, and on the west by the turnpike road or highway leading from Lincoln to Newark.

Lands now belonging or reputed to belong to and in the Occupation of the Company.

A piece or parcel of land on the south side of, and next to, and adjoining Gas Street, in the parish of Saint Mary-le-Wigford in the city of Lincoln, containing three thousand four hundred and forty-seven superficial square yards or thereabouts, on which the gasworks of the said Company are now erected and built; which said piece or parcel of land is bounded on the north by Gas Street, on the east by a public road leading to Brayford Wharf, on the south by the public wharf next to the Fossdyke Navigation, and on the west by a public road leading out of Gas Street to the said public wharf:

A piece or parcel of land on the north side of, and next to, and adjoining Gas Street or Carholme Road, in the said parish of Saint Mary-le-Wigford in the said city of Lincoln, containing three thousand three hundred and seventy-four superficial square yards or thereabouts, on which three gasholders, the manager's house, and buildings are now erected; which said last-mentioned piece or parcel of land is bounded on the north in part by land belonging to or reputed to belong to Robert Dawber or his mortgagees, in other part by "Nelson's Cottages," belonging to or reputed to belong to David Moore, and in other part by land belonging to or reputed to belong to Edward Dawn, on the east by land belonging to or reputed to belong to the said Robert Dawber or his mortgagees, on the south by the Carholme Road, and on the west by Nelson Street in part, in other part by land and premises belonging to or reputed to

belong to Edward Dawn, and in other part by land and premises belonging to or reputed to belong to Robert Dawber or his mortgagees:

A piece or parcel of land on the south side of, and next to, Carholme Road, in the said parish of Saint Mary-le-Wigford, containing two thousand one hundred and sixty superficial square yards or thereabouts; bounded on the north by Carholme Road, on the east by land and premises belonging to or reputed to belong to Robert Moss, on the south by land belonging to or reputed to belong to the mayor, aldermen, and citizens of Lincoln, and on the west by a public road leading out of Carholme Road to the towing-path of the Fossdyke Navigation.

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