ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. i.

An Act for repealing the Act relating to "The *Mansfield* Gaslight Company," and for conferring upon the Company further and additional Powers; and for other Purposes. [3d *May* 1852.]

WHEREAS by the Act 4th Geo. the IVth, Chapter 100, intituled *An Act for lighting the Town of* Mansfield *in the County of* Nottingham *with Gas*, certain Persons were incorporated by the Name of "The *Mansfield* Gaslight Company," and were empowered to light with Gas the Town of *Mansfield*, and the Neighbourhood and Environs thereof: And whereas the said Company proceeded to effectuate the Purposes of the said Act, and have expended upon the Undertaking the Sum of Eight thousand six hundred and forty Pounds, or thereabouts, exclusive of a further Sum of One thousand two hundred and fifty Pounds borrowed by the Company, and now remaining unpaid: And whereas the said Town and Neighbourhood are greatly extending, and the Demand for Gas therein has of late rapidly increased, and it is expedient that the Works of the Company should be enlarged, and additional Capital raised: And whereas it is also expedient that the Powers and Provisions of the said recited Act should be repealed, and that further and other Powers should be granted in lieu thereof; but the Objects aforesaid 4 G. 4. c. 100.

said 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,

Recited Act repealed.

I. That the said recited Act shall be and the same is hereby repealed.

Certain Provisions of 8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 15. extended to 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.

Construction of Terms.

III. That in construing "The 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 Gasworks and Works connected therewith" by this Act vested in the Company incorporated by this Act, or which they may be authorized to execute; the Expressions "the Promoters of the Undertaking" or "the Undertakers" shall mean the Company incorporated by this Act; and the Expression "the Gasworks" shall include the Gasworks and Works connected therewith by this Act vested in the said Company; the Word "Company" in this Act shall mean the Company incorporated by this Act; the Expression "Quarter Sessions," in the said incorporated Acts, shall be construed to mean the Quarter Sessions for the County of *Nottingham* holden at *Nottingham*.

Short Title.

IV. That in citing this Act in any Act of Parliament, or in any Instrument or Document whatever, it shall be sufficient to use the Expression "The *Mansfield* Gas Act, 1852."

Limits of Act.

V. That the District comprised within the Limits of this Act shall be the Town of *Mansfield*, and the Neighbourhood and Environs thereof, within the Parish of *Mansfield* in the County of *Nottingham*.

Re-incorporation of Company.

VI. That the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company incorporated by the repealed Act, and all other Persons and Corporations who have subscribed or shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for

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 Act and the said incorporated Acts contained, and for carrying on the Business usually carried on by Gas Companies, and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Mansfield* Gaslight Company," and by that Name shall be a Body Corporate, with perpetual Succession, and may sue and be sued, and shall have a Common Seal, and Power to purchase and hold and sell Lands for the Purposes of the said Undertaking.

Quantity of Land to be held by Company limited.

VII. Provided always, That it shall not be lawful for the Company hereby incorporated to purchase or hold, for the Purposes of the Undertaking, more than Four Acres of Land.

Property vested in old Company to vest in Company hereby incorporated.

VIII. That from and immediately after the passing of this Act all the Lands, Tenements, and Hereditaments belonging to the Company incorporated by the repealed Act at the Time of the passing of this Act, and whether vested in them or in any Trustees or Trustee for them, and all the Gasworks, Gasometers, Mains, Pipes, Apparatus, Matters, and Things which have been purchased or provided, laid down, erected, or placed in any Street or Place within the Limits of this Act, or which at the Time of the passing of this Act shall be the Property of or belonging to the said Company, and all Monies, and all Rights, Claims, Easements, and Privileges, and all Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate belonging to the said Company, or to any Trustees or Trustee on their Behalf, for the Purposes of the Company, shall be and the same are hereby vested in the Company hereby incorporated; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the Company incorporated by the repealed Act shall pay the same, together with all Interest (if any) due or to accrue for the same, to the Company hereby incorporated; and all Debts which immediately before the passing of this Act were due and owing by the Company incorporated by the repealed Act shall be paid, with all Interest (if any) due and to accrue due thereon, by the Company hereby incorporated; and all Rates or Rents which immediately before the passing of this Act were due and payable under or by virtue of the repealed Act to the Company thereby incorporated shall be due and payable to the Company hereby incorporated, 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 to the Company hereby incorporated; and all Conveyances, Contracts, Mortgages, Bonds, Covenants, Liabilities, Securities,

rities, Arrangements, and Agreements made or entered into before the passing of this Act, to, with, in favour of, or by or for the Company incorporated by the repealed Act, shall be and remain as valid and effectual, in favour of or against and with reference to the Company hereby incorporated, and may be proceeded on, enforced, and satisfied in the same Manner, to all Intents and Purposes, as if the Company hereby incorporated had been a Party to and executed and incurred the same, or had been named or referred to therein, instead of the Company incorporated by the repealed Act.

Rates and Rents payable under repealed Act to continue till altered.

IX. That all Rates, Rents, or Charges made or imposed under or by virtue of the repealed Act, and which at the Time of the passing of this Act shall be accruing due and payable, or if this Act had not passed would have been due and payable, or would have accrued due and payable, shall be payable under this Act, and shall continue to be so 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 demanded in pursuance of this Act may be collected or received.

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

X. That all Sales, Transfers, and Dispositions executed before the passing of this Act, of any Share in the Joint Stock of the Company incorporated by the repealed Act, shall remain in full Force and be available in the same Manner as if the same had been made under the Powers contained in this Act.

Actions, &c. under repealed Act not to abate.

XI. That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company incorporated by the repealed Act, previous to the passing of this Act, shall abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, the same shall continue to take effect, either in favour of or against the Company hereby incorporated, in the same Manner in all respects as the same would have continued and taken effect in relation to the Company incorporated by the repealed Act if this Act had not been passed; and all Penalties incurred by any Offence against the Provisions of the repealed 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 repealed 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, the Company hereby incorporated being, in reference to the Matters aforesaid, in all respects substituted in the Place of the Company incorporated by the repealed Act.

Penalties may be recovered.

XII. That

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

XII. That all Books and other Documents whatsoever by the repealed Act authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

Officers acting under repealed Act to continue till removed.

XIII. That all Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of the repealed Act, and not acting contrary to the Provisions of this Act, shall hold their respective Offices and Employments, together with the Salaries and Emoluments thereunto annexed, until they shall be removed therefrom by the Company or the 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.

XIV. That after the passing this Act the Capital of the Company shall be Fifteen thousand Pounds, divided into Three hundred Shares of Fifty Pounds each.

Certain Shares appropriated to Persons holding Shares in the old Company;

XV. That One hundred and eighty of the said Shares shall be appropriated to the present Shareholders of the Company; and 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 incorporated by the repealed Act shall for each such Share be possessed of or entitled to One Share in the said Capital of Fifteen thousand Pounds, without making any Payment exceeding the Sum of Two Pounds in respect of each such Share, and the said Shares are hereby vested in such Persons and Corporations accordingly.

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

XVI. That all Persons and Corporations in whom any of the said One hundred and eighty Shares in the said Capital of Fifteen 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, as the Trusts, Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, upon or to which the Share or Shares in the Capital of the Company incorporated by the repealed Act in respect of which such Share or Shares was or were so vested was or were subject and liable immediately before the passing of this Act, and so as to give Effect to and not revoke any Will or other testamentary Instrument disposing of or affecting such Share or Shares.

Payment on the said Shares to be made within 3 Months;

XVII. That all Corporations and Persons in whom any of the said One hundred and eighty Shares in the said Capital of Fifteen thousand

thousand Pounds shall be vested shall, in respect of each and every such Share so vested in them, pay to the Directors, within Three Months after the passing of this Act, the Sum of Two Pounds in respect of each and every such Share; and in default of such Payment within the Period aforesaid, it shall be lawful for the Directors to deduct and retain the said Sum of Two Pounds *per* Share out of the First Dividends which shall be then or shall thereafter become payable in respect of each such Share.

in default, Payment to be deducted out of First Dividends.

Remaining new Shares to be sold by Auction.

XVIII. That the Directors of the Company shall cause the remaining One hundred and twenty Shares in the Capital of the Company to be sold by Public Auction, in such Manner, in such Numbers, and at such Times, and subject to such Conditions, as they may from Time to Time determine.

Sales by Auction to be advertised, and Premiums on such Sales not to be entitled to Dividend.

XIX. That the Intention to sell the said Shares by Auction shall be duly advertised for Two successive Weeks in Two or more Newspapers published in the County of *Nottingham*; and any Sum of Money which shall arise upon such Sales by way of Premium shall not be considered as Profits of the Company, but shall be expended in paying the Expenses of this Act, or in extending or improving the Works of the Company, or in paying off Money borrowed by the Company under the Powers of this Act or the said repealed Act, and shall not be considered as Part of the Capital of the Company entitled to Dividend.

Powers to borrow Money on Mortgage, &c.

XX. That when the whole of the Capital of Fifteen thousand Pounds shall have been subscribed, and One Half thereof shall be paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One thousand Pounds.

Former Mortgages to have Priority.

XXI. 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 be paid off within Nine Months after the passing of this Act, and in the meantime, during the Continuance thereof, shall have Priority over all Mortgages and Bonds to be created by virtue of this Act.

Application of Money.

XXII. That all Money to be received 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.

First and other Meetings.

XXIII. That the First Ordinary Meeting of the Company under the Provisions of this Act shall be held in the Month of *October* next after

after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *April* and *October* 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 *Mansfield* as the Directors shall appoint.

Quorum of General Meetings.

XXIV. That the Quorum for any General Meeting of the Company shall be Five Shareholders holding in the aggregate not less than One thousand two hundred Pounds in the Capital of the Company.

Number of Shareholders to call Extraordinary Meetings.

XXV. 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 Five hundred Pounds in the Capital of the Company.

Scale of voting.

XXVI. That at any General Meeting of the Company every Shareholder present, in Person or by Proxy, shall have One Vote for every Share held by him in the Capital of the Company: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid the full Amount due upon the Shares held by him.

Number and Qualification of Directors.

XXVII. That the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Four Shares in the Undertaking.

First Directors.

XXVIII. That Six Persons (to be determined by Ballot) by and from the Persons who immediately before the passing of this Act constituted the Committee of Management of the Company incorporated by the repealed Act shall be the First Directors of the Company; and in the meantime, and until Six Directors shall be so chosen, the Persons so constituting the Members of the Committee of Management, or the Survivors of them, shall exercise the Powers by this Act vested in the Directors of the Company: Provided always, that such Six Persons shall be so chosen within Three Months from the passing of this Act, at a Meeting of the Committee of Management duly called for such Purpose.

Remuneration of Auditors.

XXIX. That the Remuneration of the Auditors shall from Time to Time be fixed by a General Meeting of the Company.

Quorum of Directors.

XXX. That a Quorum of a Meeting of the Directors shall be Three.

Committee of Directors.

XXXI. That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Two.

Company empowered to construct Gasworks, &c.

XXXII. And whereas by the said repealed Act the Company thereby incorporated are empowered to construct and maintain Works for the Manufacture, Storing, and Supply of Gas within the Limits of this Act, which Power it is expedient and necessary that the Company hereby incorporated should retain: Be it therefore enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company hereby incorporated 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 also such Houses and Buildings, and Approaches thereto, upon the Lands hereby authorized to be held by the Company hereby incorporated, 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.

XXXIII. 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.

Price for Gas supplied by Metre limited.

XXXIV. That after the passing of this Act it shall not be lawful for the Company to demand and receive, for Gas supplied by them by Metre, any Sum exceeding the Sum of Six Shillings for every One thousand Cubic Feet of Gas so supplied by Metre.

Recovery of Charges for Gas.

XXXV. That in case any Person who shall have been supplied with Gas by the Company, or who shall be liable to Payment in respect of a Supply of Gas, under or by virtue of the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply, for the Space of Fourteen Days after Demand thereof by the Company, their Agent or Collector, it shall be lawful for any Justice to issue his Summons to such Person, requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of such Person, or in default of Appearance, after Proof of the Service of the Summons, either personally or at the last known Place of Abode or of Business of such Person, no sufficient Cause can be shown to the contrary, it shall be lawful for any Justice to issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person,

Person, for the Recovery of the Amount which may be proved before such Justice to be due from such Person, together with such Costs, including the Costs of cutting off the Gas, if the same shall have been cut off by the Company, as to such Justice shall seem just and reasonable.

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

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