

The Craven Herald

March 5th 1887

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Ingleton - Colliery Accident

Early on Monday morning last, James Barker, of the Ingleton Collieries, had one of his legs broken and was otherwise seriously bruised, by the falling of a stone from the roof. He was soon released from his perilous position, taken home and medical aid called in.

The Derbyshire Times

March 19th 1887

The Boythorpe Colliery Company v The Companies Act.

In the Chancery Division on Saturday Mr. Graham Hastings Q.C. appeared in a petition for winding up the Company. Mr. Hastings said that it was a petition to wind up the company, presented by two creditors, the first being Mr. H.F. James, who was a creditor for £1,135-10-3d, of which £635-10-3d was a judgement debt and the remainder consisted of a debenture which was long overdue. The other petitioner was Mr. Pearson who was a creditor under the debenture for £750. All the debentures were long since overdue, as regarded the principal money the total debenture debt amounted to £19,960 all of which was late. Mr. Hastings said he was also instructed to represent, beside the petitioners, the holders of overdue debentures and the whole debentures of which he represented amounted to, including the petitioners, £ 12,613, so that represented rather more than two thirds of the whole. The company was formed as far back as 1873 and had somewhat of a chequered career, having been engaged in the early years in litigation about some colliery which lasted a long time and was ultimately compromised by a number of shares being given to two gentlemen of the name of Black. In the year 1886 the capital of the company was reduced when there was written off a sum of £147,000. The petition stated that the money due to the petitioners had not been paid. It appeared that there was a claim on behalf of one of the lessors of the colliery who was represented by his friend Mr. Bäckley, a lady a creditor for £7,500, and another lady who had a claim for £850.

The company was absolutely insolvent and he did not think that there was any questions to the petition, but he believed that some of the creditors had something to say. He asked for the usual order. Mr. Pearson Q.C. said that he appeared for a judgement creditor, Mrs. Harrison, who recovered a judgement for £850 against the company. His client asked supported the petition as far as the winding up order but asked his Lordship to give her or some other outside creditor the carriage of the petition so that an independent liquidator might be appointed to unravel the transactions between the company and these two petitioners. These two petitioners and Mr. Williams were directors of the company and had been carrying on the business of the company and allowing the rent to fall in arrears for many thousands of pounds and by the evidence had been putting the earnings of the company into their own pockets for the payment of their directors fees. These two gentlemen and the petitioner were debenture holders of the company and this would be a common question between the outside creditors and the debenture holders as to the administration of the assets. In 1885 the husband of his client was killed when crossing one of the company's railways. The company defended the action which the widow had brought against them for compensation and they defended it up to the last and it was tried at Derby and judgement was obtained for the sum of £850. On the very day after the judgement was obtained these directors and shareholders presented this petition for winding up the company. That petition must have been ready and waiting the result of the trial because they had affidavits - which were not merely formal affidavits - filed the day after the judgement had been obtained. There was another thing this petition to wind up the company did not disclose that the petitioners were either directors or shareholders and the solicitors who defended the action were the solicitors for the petitioners.

The day after presenting the petition they got Mr. Smith, the auditor of the company appointed provisional liquidator, he being really the nominee of the chairman and by affidavit of fitness made by these directors. Mr. Pearson then read an affidavit made by his client. Mr. Bäckley. Q .C.

said that he appeared representing the claim on behalf of the lessors to which Mr. Hastings referred. There was a question with the owner about that the lease not being a lease granted to the company. There was a question what the lady having a claim had a right to distrain. He supported the petition. Mr. Mulligan appeared for the executors of Mr. Radford as executor of mortgages for £2,000 and a simple control debt of £1,000 for money lent. The company was also represented by Counsel. Mr. Pearson said if his Lordship should consider that the carriage of the order should be given to the company itself he should then ask for liberty to attend the appointment of liquidator.

Mr. Justice Stirling, "Yes certainly", Mr. Pearson "and I should ask that your Lordship should also express opinion that the appointment of liquidators should be opened."

Mr. Justice Stirling "It always is open but I am not going to express an opinion to that effect as it might prejudice other cases."

Mr. Pearson said that "What his Lordship had said would fairly satisfy his clients."

Mr. Justice Stirling "Then the usual winding up order be made."