

ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

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Company incorporated.

Henry Harrison, *James Harrison* the younger, *Caroline Hughes*, *Sarah Hughes*, *Samuel Highfield*, *Joseph Roberts*, and all other Parties who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes herein-after mentioned, and for such Purposes shall be incorporated by the Name of "The *Birkenhead* and *Claughton* Gas and Water Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands, within the Restrictions herein-after contained.

Name of the Company.

Purposes of the Company.

II. And be it enacted, That the said Company shall be established for the Purpose of manufacturing Gas, and providing Gasometers and all Apparatus and Machinery necessary, for lighting with Gas all Streets and public Passages and Buildings, and also all Shops, Taverns, private Houses, Warehouses, and other Buildings within the said Townships of *Birkenhead*, *Tranmere*, *Lower Bebington*, *Higher Bebington*, *Bromborough*, *Great Neston*, *Little Neston*, *Poulton cum Spittle*, *Thornton*, *Hough*, *Upton*, *Bidston*, *Oxton*, *Claughton*, *Prenton*, *Poulton cum Seacombe*, *Liscard*, and *Wallasey*, or some of them, and also for selling and disposing of Coke, and of all and every Product and Products, Refuse or Residuum, arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, in such Manner as the said Company may think proper, and also for making Reservoirs, Aqueducts, Cisterns, and for laying down Pipes, and executing all other necessary and convenient Works for supplying the Inhabitants of the said Township of *Birkenhead* with Water.

Certain Townships not to be lighted without the Consent of the Rate-payers.

III. Provided, and be it enacted, That the said Company shall not light with Gas the public Streets and Passages within the said Townships respectively, excepting the said Township of *Birkenhead*, without the Consent of the Rate-payers of the said Townships respectively for that Purpose first obtained and testified, according to the Provisions of an Act passed in the Third and Fourth of King *William* the Fourth, for regulating the lighting and watching of Parishes in *England*.

Capital.

IV. And be it enacted, That One hundred thousand Pounds shall be the Capital of the said Company.

Shares.

V. And be it enacted, That the said Capital shall be divided into Two thousand Shares, each of the Amount of Fifty Pounds; and such Shares shall be numbered in arithmetical Progression, beginning with Number One, and every such Share shall be distinguished by its appropriate Number.

Shares to be Personal Estate.

VI. And be it enacted, That all Shares in the Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Shareholders.

VII. And be it enacted, That every Person who shall have subscribed or shall subscribe the Sum of Fifty Pounds or upwards to the Capital

Capital of the Company shall be deemed a Shareholder of the Company, and shall be entitled to have One Share therein allotted to him in respect of every Sum of Fifty Pounds so subscribed by him.

Registry of Shareholders.

VIII. And be it enacted, That the Company shall keep a Book, to be called the "Register Book of Shareholders," and in such Book shall be fairly and distinctly entered from Time to Time the Names of the several Corporations, and the Names and Additions of the several Persons being Shareholders of the Company, the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of Subscriptions paid on such Shares; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the first Ordinary Meeting, or at some subsequent Meeting of the Company.

Addresses of Shareholders.

IX. And be it enacted, That, in addition to the said Register of Shareholders, the Company shall provide a proper Book, to be called the "Shareholders Address Book," in which the Secretary shall from Time to Time enter the Places of Abode of the several Shareholders of the Company; and every Shareholder, or, if such Shareholder be a Corporation, the Clerk or Agent of such Corporation, may at all convenient Times peruse such Books *gratis*, and may require a Copy thereof, or of any Part thereof, and for every Hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

Certificates of Shares.

X. And be it enacted, That, on Demand of the Holder of any Share, the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder, and such Certificate shall have the Common Seal of the Company affixed thereto, and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled, and the same may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Certificate to be Evidence.

XI. And be it enacted, That such Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder, his Executors, Administrators, Successors, or Assigns, to the Share therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificate to be renewed when destroyed.

XII. And be it enacted, That if any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate and of the Share therein mentioned shall be at the Time vested; or if such Certificate be lost or destroyed, then, upon Proof thereof, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed, and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the Register of Shareholders;

Shareholders; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Transfers of Shares to be registered, &c.

XIII. And with respect to the Transfer of Shares be it enacted, That, subject to the Regulations herein contained, every Shareholder may sell and transfer his Shares in this Undertaking, and the Instrument of Transfer may be according to the Form in the Schedule (B.) to this Act annexed or to the like Effect, and such Instrument (when duly executed) shall be delivered to the Secretary, and be kept by him; and the Secretary shall enter a Memorial thereof in a Book to be called the "Register of Transfers," and shall indorse such Entry on the Instrument of Transfer, and for every such Entry and Indorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence; and, on the Request of the Purchaser of any Share, an Indorsement of such Transfer shall be made on the Certificate of such Share instead of a new Certificate being granted, and for such Indorsement the Company may demand any Sum not exceeding One Shilling; and such Indorsement, being signed by the Secretary, shall be considered in every respect the same as a new Certificate; and until such Transfer have been so delivered to the Secretary as aforesaid, the Purchaser of the Share shall not be entitled to receive any Portion of the Profits of the said Undertaking, or to vote in respect of such Share.

Transfer not to be made until Calls paid.

XIV. And be it enacted, That no Shareholder shall be entitled to transfer any Share until he shall have paid all Calls for the Time being due on every Share held by him.

Closing of Transfer Books.

XV. And be it enacted, That the Directors may close the Register of Transfer for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper, as after mentioned; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Transmission of Shares by other Means than Transfer to be authenticated by a Declaration.

XVI. And with respect to the Registration of Shares, the Interest in which may have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other legal Means than by a Transfer according to the Provisions of this Act, be it enacted, That no Person claiming by virtue of any such Transmission shall be entitled to receive any Portion of the Profits of the said Undertaking, nor to vote in respect of any such Share as the Holder thereof, until such Transmission have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master or Master Extraordinary in the High Court of Chancery; and such Declaration

tion shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Shareholders of the Company; and for every such Entry the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Proof of Transmission by Marriage, Will, &c.

XVII. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Shareholder, the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument or by Intestacy, the Probate of the Will or Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Secretary; and upon such Production in either of the Cases aforesaid, the Secretary shall make an Entry of the Declaration in the said Register of Transfers.

Recording Declaration not to infer Liability of Company.

XVIII. And be it enacted, That the recording of such Declaration shall not imply any Liability on the Part of the Company for the Regularity or Validity of the Transfer or Title therein set forth; and all Payments of Dividends, or other Acts done by the Company or by any of their Officers, without Notice of the Irregularity or Invalidity of any such Transfer or Title, shall be effectual so far as the Company or such Officers are concerned, and shall exonerate them from all Claim on the Part of others alleging a preferable Right to such Shares or Dividends.

Notices to joint Proprietors of Shares.

XIX. And be it enacted, That, with respect to any Share to which several Persons may be jointly entitled, all Notices directed to be given to the Shareholders shall be given to such of the said Persons whose Name shall stand first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

Receipts for Money payable to Minors, &c.

XX. And be it enacted, That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Company not bound to regard Trusts.

XXI. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Power to make Calls.

"XXII. And for the Purpose of enforcing Payment of the Capital subscribed by the Shareholders, be it enacted, That from Time to Time the Company may make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as they shall think fit; provided that Thirty Days Notice at the least be given of each Call, and that no Call exceed the Amount of Ten Pounds *per* Share, and that successive Calls be not made at less than the Interval of Two Calendar Months, and that the aggregate Amount of Calls made in any One Year do not exceed the Amount of Thirty Pounds *per* Share; and every Shareholder shall be liable to pay the Amount of the Calls so made, in respect of the Shares held by him, to the Persons and at the Times and Places from Time to Time appointed by the Company.

Interest on Calls unpaid.

XXIII. And be it enacted, That if, before or on the Day appointed for Payment, any Shareholder do not pay the Amount of any Call to which he may be liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds *per Centum per Annum*, from the Day appointed for the Payment thereof to the Time of the actual Payment.

Payment of Subscriptions before Call.

XXIV. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls made upon the Shares in respect of which such Advance shall have been made, the Company may pay Interest at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Shareholder paying such Sum in advance and the Company shall agree upon.

Enforcement of Calls by Action.

XXV. And be it enacted, That if at the Time appointed by the Company for the Payment of any Call the Holder of any Share fail to pay the Amount of such Call, the Company may sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same, with Interest, at the Rate of Five Pounds *per Centum per Annum*, from the Day on which such Call may have been payable.

Declaration in Action for Calls.

XXVI. And be it enacted, That, in any Action to be brought by the Company against any Shareholder to recover any Money due for any Call, it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to declare that the Defendant is a Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount, in respect of One Call or more upon One Share or more (stating the Number and Amount of each of such Calls), whereby an Action hath accrued to the Company by virtue of this Act.

XXVII. And

Matter to be proved in Action for Calls.

XXVII. And be it enacted, That on the Trial of such Action it shall be sufficient to prove that the Defendant at the Time of making such Call was a Holder of One Share or more in the Company, and that such Call was in fact made, and such Notice thereof given as is directed by this Act; and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon unless it shall appear either that any such Call exceeded the Amount of Ten Pounds *per* Share, or that due Notice of such Call was not given, or that the Interval of Two Calendar Months between Two successive Calls had not elapsed, or that Calls amounting to more than the Sum of Thirty Pounds in One Year had been made.

Proof of Proprietorship.

XXVIII. And be it enacted, That the Production of the Register Book of Shareholders of the Company shall be *primâ facie* Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares.

Forfeiture of Shares for Nonpayment of Calls.

XXIX. And be it enacted, That if the Holder of any Share fail to pay a Call payable by him in respect thereof, together with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Two Months from the Day appointed for Payment of such Call, may declare such Share forfeited, and that whether the Company have sued for the Amount of such Call or not.

Notice of Forfeiture to be given before Declaration thereof.

XXX. And in order to prevent the Forfeiture of Shares through Inadvertency, be it enacted, That, before declaring any Share forfeited, the Directors shall cause Notice of such Intention to be left at the usual or last Place of Abode of the Person appearing by the Register Book of Shareholders to be the Proprietor of such Share; and if the Holder of any such Share be abroad, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *London Gazette*, and also in some Newspaper, as after mentioned, and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

Forfeiture to be confirmed by a General Meeting.

XXXI. And be it enacted, That such Declaration of Forfeiture shall not take effect, so as to authorize the Sale or other Disposition of any Share, until such Declaration have been confirmed at some General Meeting of the Company, to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and, by an Order at such Meeting

or

Sale of forfeited Shares.

or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of; and after such Confirmation the Directors may sell the forfeited Share, either by public Auction or private Contract, and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit; and any Shareholder may purchase any forfeited Share so sold.

Evidence as to Forfeiture of Shares.

XXXII. And be it enacted, That a Declaration in Writing, by some credible Person not interested in the Matter, made before any Justice or before any Master or Master Extraordinary in the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share; and thereupon such Purchaser shall be deemed the Holder of such Share, discharged from all Calls made prior to such Purchase; and a Certificate of Proprietorship shall be delivered to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to any such Sale.

No more Shares to be sold than sufficient for Payment of Calls.

XXXIII. And be it enacted, That the Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Share be more than sufficient to pay all Arrears of Calls, and Interest thereon due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on Demand, be paid to the Defaulter.

On Payment of Calls forfeited Shares to revert.

XXXIV. And be it enacted, That if Payment of such Arrears of Calls and Interest and Expences be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid.

Extent of Liability of Shareholders.

XXXV. And with respect to the Liability of the Shareholders to the Engagements of the Company, be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company not then paid up.

Execution against Shareholders to the Extent of Capital not paid up.

XXXVI. And be it enacted, That if any Execution either at Law or in Equity shall have been issued against the Lands, Property, or Effects of the Company, and if there cannot be found sufficient whereon to levy such Execution, then such Execution may be issued

against any of the Shareholders of the Company to the Extent of their Shares respectively in the Capital of the Company not then paid up: Provided always, that no such Execution shall issue against any Shareholder except upon an Order of the Court in which the Action, Suit, or other Proceeding shall have been brought or instituted, made upon Motion in open Court after given Notice in Writing to the Persons sought to be charged; and upon such Motion such Court may order Execution to issue accordingly; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution at all reasonable Times to inspect the Register Book of Shareholders without Fee.

Reimbursement of Shareholders for Over-payments.

XXXVII. And be it enacted, That if by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to borrow Money.

XXXVIII. And be it enacted, That after One Half of the original Capital of the Company shall have been paid up, it shall be lawful for the Company to borrow, on Mortgage or Bond, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of Thirty-three thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Works, Rates, and Rents, and the future Calls on the Shareholders of the Company, or give Bonds, in manner hereinafter mentioned.

Re-borrowing.

XXXIX. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Money so paid off, and so from Time to Time; but such Power of re-borrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

Evidence of Authority for borrowing.

XL. And be it enacted, That the Certificate of a Justice that One Half of the original Capital has been paid up, together with a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Secretary to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be paid up having been so paid up, and of the Order for borrowing Money having been made; and upon Production to any Justice of such Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid.

Mortgages and Bonds to be under Seal and stamped, &c.

XLI. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration

Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like Effect.

Rights of Mortgagees.

XLII. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Rates, Rents, Sums, and Premises comprised in such Mortgage, and of the future Calls payable by the Shareholders of the Company, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Application of Calls notwithstanding Mortgage.

XLIII. And be it enacted, That no such Mortgage (although it should comprise future Calls on the Shareholders) shall preclude the Company from receiving, and applying to the Purposes of the Company, any Calls to be made by the Company, so long as the Principal Money due on Mortgage does not exceed the Amount of all the Calls still remaining to be made.

Rights of Obligees.

XLIV. And be it enacted, That the respective Obligees in such Bonds shall proportionally, according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Rates, Rents, or other Property or Effects of the Company, the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Company, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise however.

Register of Mortgages and Bonds.

XLV. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the Secretary, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Undertaking, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Transfer of Mortgages and Bonds.

XLVI. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any other Person by Writing duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

Entry of Transfers of Mortgages and Bonds.

XLVII. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in

the United Kingdom, it shall be produced to the Secretary, and thereupon the Secretary shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Payment of Interest on Loans.

XLVIII. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Transfers of Interest to be stamped.

XLIX. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferrable, except by an Instrument duly stamped.

Repayment of Money borrowed at a Time fixed.

L. And be it enacted, That the Company may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage or Bond.

Repayment of Money borrowed where no Time fixed.

LI. And be it enacted, That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and the Company may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing delivered to the Secretary, and if given by the Company shall be by Writing given either personally to such Mortgagee or Bond Creditor, or if such Mortgagee or Bond Creditor be unknown or cannot be found, such Notice shall be given by Advertisement in the *London Gazette* and in some Newspaper as after mentioned; and at the Expiration of the said Notice, when given by the Company, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless, on Demand of such Money, the Company fail to pay the same pursuant to such Notice.

For enforcing Payment of Arrears of Interest, &c.

LII. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any such Mortgage or Bond, at the respective Times at which such Interest

on Mortgages and Bonds.

Interest or such Principal and Interest and Costs become due, be it enacted, That if such Interest or any Part thereof shall, for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Bond Creditor may either sue for the Interest so in arrear by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Recovery of Principal, Interest, &c. of Money, lent on Mortgage or Bond.

LIII. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Bond Creditor may sue for the same in any of the Superior Courts of Law or Equity; or if his Debt amount to the Sum of One thousand Pounds, he may alone, or if his Debt does not amount to the Sum of One thousand Pounds, he may, in conjunction with other Mortgagees or Bond Creditors whose Debts, being so in arrear after Demand as aforesaid, shall, together with his, amount to the Sum of One thousand Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Appointment of Receiver on behalf of Mortgagees or Bond Creditors.

LIV. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the County of *Chester*; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Whole or a competent Part of the Rates, Rents, or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Rates, Rents, or Sums aforesaid, be fully paid; and upon such Appointment being made all such Rates, Rents, and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

Mortgagees not to vote.

LV. And be it enacted, That no Party shall in right of any Mortgage be deemed a Shareholder, or be capable of acting or voting as such at any Meeting of the Company.

Access to Account Books by Mortgagees.

LVI. And be it enacted, That at all reasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Power to convert Loan into Capital.

LVII. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum herein-before authorized

authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital as aforesaid shall take place without the Authority of an Order of a General Meeting of the Company called for the Purpose previously obtained.

New Shares to be considered same as original Shares.

LVIII. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares at Premium, new Shares to be offered to original Shareholders;

LIX. And be it enacted, That if, at the Time of any such Augmentation of Capital taking place by the Creation of new Shares, the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the then Shareholders, in proportion to the existing Shares held by them respectively; and such new Shares shall be offered to the then Shareholders in the Proportion of One for every existing Share held by them respectively; and such Offer shall be made by Letter, under the Hand of the Secretary, given to or sent by Post to each Shareholder, or left at his usual or last Place of Abode; and such new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail, for One Month after such Offer of new Shares, to accept the same, and pay the Instalment 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.

and if not at a Premium, to be issued as Company think fit.

LX. And be it enacted, That if, at the Time of such Augmentation of Capital taking place, the existing Shares of the Capital Stock of the Company be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner as the Company shall think fit.

Application of Capital.

LXI. And be it enacted, That all the Money raised by the Company, whether by Subscriptions of the Shareholders, or by Loan, or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or relating

relating thereto; and, secondly, in carrying the Purposes of the Company into execution.

Ordinary Meetings to be held half-yearly.

LXII. And with respect to General Meetings of the Company, be it enacted, That the First General Meeting of the Shareholders of the Company shall be held within Two Months after the passing of this Act, and the future General Meetings shall be held in the Third Week in *April* and the Third Week in *October* in each Year; and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held in the Township of *Birkenhead*.

Business at Ordinary Meetings.

LXIII. And be it enacted, That no Matters, except such as are appointed by this Act to be done at an Ordinary Meeting, shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement convening such Meeting.

Extraordinary Meetings.

LXIV. And be it enacted, That every Meeting of the Shareholders, other than an Ordinary Meeting, shall be called an "Extraordinary Meeting;" and such Meetings may be convened by the Directors at such Times as they may think fit.

Business at Extraordinary Meetings.

LXV. And be it enacted, That no Extraordinary Meeting shall enter upon any Business not set forth in the Requisition or in the Notice upon which it shall have been convened.

Extraordinary Meetings may be required by Shareholders.

LXVI. And be it enacted, That it shall be lawful for One or more Shareholders holding in the aggregate Fifty Shares to the Amount of Two thousand five hundred Pounds, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company; and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Directors, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders; and if, for Twenty-one Days after such Notice, the Directors fail to call such Meeting, the said Number of Shareholders, qualified as aforesaid, may call such Meeting by giving Fourteen Days public Notice thereof.

Notice of Meetings.

LXVII. And be it enacted, That Ten Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement, which shall specify the Place, the Day, and the Hour of Meeting; and every Notice of an Extraordinary Meeting, or of an Ordinary Meeting, if any other Business than the Business hereby appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called.

Quorum for a General Meeting.

LXVIII. And be it enacted, That in order to constitute a Meeting (whether ordinary or extraordinary) there shall be present, either personally

personally or by Proxy, Three or more Shareholders holding in the aggregate Two hundred Shares, to the Amount of Ten thousand Pounds; and the Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and to those only; and if within One Hour from the Time appointed for such Meeting the said Number of Shareholders qualified as aforesaid be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*.

Chairman at General Meetings.

LXIX. And be it enacted, That at every Meeting of the Company one or other of the following Persons shall preside as Chairman; that is to say, the Chairman of the Directors or in his Absence the Deputy Chairman, or in the Absence of both the Chairman and Deputy Chairman some one of the Directors of the Company to be chosen for that Purpose by the Meeting, or in the Absence of the Chairman and Deputy Chairman and of all the Directors any Shareholder to be chosen for that Purpose at such Meeting.

Adjourned Meetings.

LXX. And be it enacted, That every Meeting of the Shareholders may be adjourned from Time to Time, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Votes of Shareholders.

LXXI. And be it enacted, That at all General Meetings of the Company every Shareholder shall have One Vote in respect of each Share possessed by him: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then payable upon the Shares held by him.

Manner of voting.

LXXII. And be it enacted, That such Votes may be given either personally or by Proxies, being Shareholders, authorized by Writing, according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation, then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote, not only as a Principal or Proxy, but to have a casting Vote if there be an Equality of Votes.

Regulations as to Proxies.

LXXIII. And be it enacted, That no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Secretary of the Company Five Days before the holding of the Meeting at which such Proxy is to be used; and that no Person shall at any One Meeting represent as Proxy more than Ten Shareholders.

Votes of joint Shareholders.

LXXIV. And be it enacted, That if several Persons be jointly entitled to a Share, the Person whose Name stands first in the Register

gister of Shareholders as one of the Holders of such Share shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor thereof; and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Holders thereof.

Votes of Lunatics and Minors.

LXXV. And be it enacted, That if any Shareholder be a Lunatic or Idiot, such Lunatic or Idiot may vote by his Committee; and if any Shareholder be a Minor, he may vote by his Guardian or any One of his Guardians; and every such Vote may be given either in Person or by Proxy.

First Directors.

LXXVI. And be it enacted, That the Number of Directors shall be Three, and that *William Jackson*, *John Somerville Jackson*, and *Gilbert Henry Harrison* shall be the first Directors of the Company.

Election of future Directors.

LXXVII. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held in the Year One thousand eight hundred and forty-three, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or may elect a new Body of Directors, the Directors appointed by this Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions herein-after contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, as herein-after mentioned.

Qualifications of Directors.

LXXVIII. And be it enacted, That no Person shall be capable of being a Director unless he be a Shareholder possessed of Twenty Shares; and that no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and that no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director.

Failure of Meeting for Election of Directors.

LXXIX. And in order to provide for the Accident of a sufficient Number of Shareholders not being present at any Meeting at which Directors are to be elected, be it enacted, That if, at any Meeting at which an Election of Directors ought to take place, Three Shareholders holding in the aggregate Shares to the Amount of Ten thousand Pounds shall not be present within One Hour from the Hour appointed for the Meeting, no Election of new Directors or Re-election of existing Directors shall be made, nor shall any Business be transacted; but in such Case, at the Expiration of

Fourteen Days from the Day of such intended Meeting, another Meeting shall be held at the same Place; and if at such other Meeting the said Number of Shareholders so qualified as aforesaid be not present, personally or by Proxy, within One Hour from the Hour fixed for the Meeting, such Meeting shall stand adjourned to the following Day, at the same Hour and Place; and if at the Meeting so adjourned the said Number of Shareholders so qualified as aforesaid be not present within One Hour from the Hour appointed for the Meeting, the existing Directors shall continue to act and retain their Powers until new Directors be appointed at the first Ordinary Meeting of the following Year.

Rotation of Directors first elected.

LXXX. And be it enacted, That the Directors appointed by this Act and continued in Office as aforesaid, or the Directors elected to supply their Places as aforesaid, shall retire from Office at the Time and in the Rotation following, the Individual to retire being in each Instance determined by Ballot among the Directors; (that is to say,)

At the End of the First Year after the first Election of Directors One Third of such Directors shall go out of Office;

At the End of the Second Year One Half of the Remainder of such Directors shall go out of Office;

And at the End of the Third Year the Remainder of such Directors shall go out of Office;

And in each Instance the Places of the retiring Director shall be supplied by a Shareholder qualified as aforesaid.

Permanent Rotation of Directors.

LXXXI. And be it enacted, That at the first ordinary Meeting in every subsequent Year One Third of the Directors, being One who has been longest in Office, shall go out of Office and cease to be a Director, and his Place shall be supplied in like Manner; nevertheless every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation, be considered as a new Director.

Cases in which Office of Director shall become vacant.

LXXXII. And be it enacted, That if any of the Directors at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director at any Time cease to be a Holder of Twenty Shares in the Company, then in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth the Person in respect of whom the Office of Director shall so have become vacant shall cease from voting or acting as a Director.

Occasional Vacancies in Office of Directors.

LXXXIII. And be it enacted, That if any Director of the Company die, or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Directors,

tors, if they think proper so to do, may elect in his Place some other Shareholder duly qualified to be a Director; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office.

Powers of the Company to be exercised by the Directors.

LXXXIV. And with respect to the Exercise of the Powers of the Company, be it enacted, That the Directors shall have the Management and Superintendence of the Affairs of the Company, and they may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this Act to be transacted by a General Meeting of the Company; and, amongst other Powers to be exercised by the Directors,

They may appoint and displace any of the Officers of the Company except the Secretary and the Treasurer;

They may fix the Salaries of all Officers, except the Salaries of themselves, and of the Secretary and the Treasurer;

They may make and enforce the Calls upon the Shares of the respective Shareholders;

They may declare the Forfeiture of all Shares on which such Calls are not duly paid, subject to the Confirmation of a General Meeting as aforesaid;

They may enter into Contracts for the Execution of the Works of the Company, and for all other Matters necessary for the Transaction of its Affairs;

They may purchase the Lands authorized to be taken by the Company, and sell such Parts thereof as may not be required for the Purposes of the Company;

They may fix the Rents and Sums to be taken by the Company;

And they may make Bye Laws for the Regulation of the Affairs of the Company:

But all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this Act in that Behalf; and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting.

Certain Powers of the Company to be exercised only at General Meetings.

LXXXV. And be it enacted, That the following Powers of the Company, (that is to say), the Choice and Removal of Directors and Auditors, the Appointment and Removal of the Treasurer and Secretary, the Determination as to the Remuneration of the Directors and of the Auditors, and of the Treasurer and Secretary, the Determination as to the borrowing of Money on Mortgage, the Determination as to the Augmentation of Capital, the Determination as to the leasing of Tolls, and the Declaration of Dividends, shall be exercised only at a General Meeting of the Company.

Meetings of Directors.

LXXXVI. And be it enacted, That the Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they

they may meet and adjourn as they think proper from Time to Time and from Place to Place; and at any Time any Two of the Directors may require the Secretary to call a Meeting of the Directors; and in order to constitute a Meeting of Directors there shall be present at the least Three of the Directors; and all Questions, Matters, and Things considered at any such Meeting shall be determined by the Majority of Votes, and no Director shall have more than One Vote at any such Meeting.

Permanent Chairman of Directors.

LXXXVII. And be it enacted, That at the first Meeting of Directors held after the passing of this Act, and at the first Meeting of the Directors held after each annual Appointment of Directors, the Directors present at such Meeting shall choose One of the Directors to act as Chairman of the Directors for the Year following such Choice.

Contracts by Directors.

LXXXVIII. And be it enacted, That the Power of the Directors to make Contracts on behalf of the Company may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made between any private Persons, would be by Law required to be in Writing and under Seal, the Directors may make such Contract on behalf of the Company in Writing and under the Common Seal of the Company:

With respect to any Contract which, if made between any private Persons, would be by Law required to be in Writing, and signed by the Parties to be charged therewith, then the Directors may make such Contract on behalf of the Company in Writing, signed by the Directors, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between any private Persons, would by Law be valid although made by Parole only and not reduced into Writing, the Directors may make such Contract on behalf of the Company by Parole only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contract either by the Company or any other Party thereto, such Actions or Suits may be brought, either by or against the Company, as might be brought had the same Contracts been made between private Persons only.

Contracts for Works.

LXXXIX. And be it enacted, That all Contracts made with the Company shall specify the Work to be done, the Quality of the Materials to be used, the Prices to be paid, the Term within which the Contract is to be performed, and the Penalties for Non-performance thereof, or such other Things as the Company think proper, and the Company may take such Security for the Performance of such Contract as to them shall seem necessary; nevertheless the Company lawfully

lawfully may from Time to Time, as they think fit, compound with any Person on account of any Breach or Non-performance of any such Contract for any Sum of Money which they think fit, or they may remit any Penalties on account thereof.

Proceedings to be entered in a Book, and to be open for Inspection.

XC. And be it enacted, That the Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the Company and of the Directors, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Shareholders or Directors respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of any of the Shareholders.

Informalities in Appointment of Directors not to invalidate Proceedings.

XCI. And be it enacted, That all Acts done by any Meeting of the Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some Defect or Error in the Appointment of any Person attending such Meeting as a Director or acting as aforesaid, or that such Person was disqualified, be as valid as if such Person had been duly appointed, and was qualified to be a Director.

Indemnity of Directors.

XCII. And be it enacted, That no Director, by being Party to, or making, signing, or executing, in his Capacity of Director, any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors, or any of them, shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other lawful Act done by them or any of them, in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company shall apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and shall, if necessary for that Purpose, make Calls of the Capital remaining unpaid.

Election of Auditor.

XCIII. And with respect to the Appointment of Auditors, be it enacted, That the Company shall, at the first Ordinary Meeting in each

each Year, elect an Auditor, in like Manner as is provided for the Election of Directors; and the Auditor so elected, being neither removed nor disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his Stead.

Qualification of Auditor.

XCIV. And be it enacted, That every Auditor shall have at least the same Number of Shares as shall be required to qualify a Director, and he shall not hold any Office in the Company, nor be in any other Manner interested in its Concerns, except as a Shareholder.

Rotation as to Auditor.

XCV. And be it enacted, That the Auditor shall go out of Office at the End of every Year, but the Auditor so going out shall be immediately re-eligible.

Vacancies in Office of Auditor.

XCVI. And be it enacted, That if any Vacancy take place of the Auditor in the course of the current Year, then, at any General Meeting of the Company, the Vacancy may, if the Company think fit, be supplied by the Votes of the Shareholders.

Failure of Meeting to elect Auditor.

XCVII. And be it enacted, That the Provisions of this Act respecting the Failure of an Ordinary Meeting at which Directors are to be chosen shall apply to any Ordinary Meeting at which an Auditor is to be appointed.

Duty of Auditor.

XCVIII. And be it enacted, That it shall be the Duty of such Auditor to receive from the Directors the half-yearly or other periodical Acccounts and Balance Sheet required to be presented to the Shareholders, and to examine the same,

Powers of Auditor.

XCIX. And be it enacted, That for the above Purposes such Auditor may employ such Accountants and other Persons as he may think proper at the Expence of the Company, and shall either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read together with the Report of the Directors at the Ordinary Meeting.

Delivery of Balance Sheet, &c. by Directors to Auditor.

C. And be it enacted, That the Directors shall deliver to such Auditor the half-yearly or other periodical Accounts and Balance Sheet Fourteen Days at the least before the ensuing Ordinary Meeting at which the same are required to be produced to the Shareholders, as herein-after provided.

Remuneration of Directors and Auditor.

CI. And be it enacted, That the Remuneration of the Directors and Auditor shall from Time to Time be fixed by a General Meeting of the Company.

Company to appoint a Secretary and Treasurer.

CII. And be it enacted, That at the First General Meeting after the passing of this Act the Company shall elect a Secretary and a Treasurer, and any subsequent General Meeting may remove from Office any such Secretary or Treasurer; and if such Secretary or Treasurer die or resign, or be so removed, another Secretary or Treasurer shall be elected in his Place at a General Meeting; and from Time to Time any such Meeting may fix the Salary or other Emoluments

ments to be allowed to such Secretary or Treasurer respectively as they think proper.

Suspension of Secretary or Treasurer.

CIII. And be it enacted, That the Directors may at any Time suspend either the Treasurer or the Secretary from his Office, and may appoint some Person temporarily to fill the Office of the Treasurer or Secretary so suspended, or when vacant from any other Cause, with such Salary as they think fit; but in any such Case they shall forthwith call an Extraordinary Meeting of the Company for the Purpose of taking into consideration the Propriety of removing from his Office any Treasurer or Secretary so suspended, and of electing a new Treasurer or Secretary, as the Case may require.

Separation of Offices of Secretary and Treasurer.

CIV. And be it enacted, That neither the Person who shall hold the Office of Secretary, nor the Partner of such Secretary, nor any Person in the Service or Employ of such Secretary or of his Partner, shall be eligible to be the Treasurer; and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Secretary; and if any Person offend in any of the following Cases, he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

Penalty.

If any Person accept both the Offices of Secretary and Treasurer:

If any Person being the Partner of such Secretary, or in the Service or Employ of such Secretary or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Secretary, or act as Deputy of the Secretary, or in any Manner officiate for the Secretary:

If any such Treasurer or Secretary hold any Place of Profit or Trust under the Company other than that of Treasurer or Secretary, as the Case may be:

And any Person may sue for such Penalties by Action of Debt or on the Case in any of the Superior Courts, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Security to be taken from the Officers of the Company.

CV. And be it enacted, That before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office.

Officers to account on Demand.

CVI. And be it enacted, That every Officer or Person employed by the Company shall from Time to Time, when required by the Directors, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Company, and such Account shall state how, and to whom, and for what Purpose, such Monies shall have been disposed of; and together with such Account such Officer shall deliver the Vouchers and Receipts

Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary Remedy against Parties failing to account.

CVII. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if, for Three Days after being thereunto required, he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things in his Possession or Power, relating to the Execution of this Act, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him; and upon such Officer being so brought before him, or if such Officer cannot be found then in his Absence, such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer or owing by him to the Company, such Justice may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases; (that is so say,)

If any such Officer do not appear before the Justice at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things in his Possession or Power belonging to the Company;

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Sureties not to be discharged.

CVIII. And be it enacted, That no such Proceeding against or dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against any Surety of such Officer.

Accounts to be kept.

CIX. And be it enacted, That full and true Accounts shall be kept of all Sums of Money received or expended on account of the Company

Company by the Directors and all Persons employed by or under them, and of the Articles, Matters, and Things for which such Sums of Money shall have been received or disbursed and paid.

Books to be balanced.

CX. And be it enacted, That the Books of the Company shall be brought to a Balance Fourteen Days at least before such Ordinary Meeting; and forthwith, on the Books being so balanced, an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and previously to each Ordinary Meeting such Balance Sheet shall be examined and docqueted by the Directors, and shall be signed by the Chairman or Deputy Chairman of the Directors.

Inspection of Accounts by Shareholders at stated Times.

CXI. And be it enacted, That the Books so balanced, together with such Balance Sheet as aforesaid, shall, for Fourteen Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not be entitled at any Time, except during the aforesaid Period before and after each Ordinary Meeting, to demand the Use or Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors,

Balance Sheet to be produced.

CXII. And be it enacted, That at such Ordinary Meeting the Directors shall produce to the Shareholders assembled such Balance Sheet as aforesaid, applicable to the Period immediately preceding such Meeting.

Book-keeper to allow Inspection.

CXIII. And be it enacted, That a Book-keeper shall be appointed by the Directors, and such Book-keeper shall enter the Accounts aforesaid in Books to be provided for the Purpose; and every such Book-keeper shall permit any Shareholder or any Loan Creditor to inspect such Books at any reasonable Time during One Fortnight before and One Month after every Ordinary Meeting; and if he fail to permit any such Shareholder or Loan Creditor to inspect such Books, or take Copies or Extracts therefrom, during the Periods aforesaid, he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds,

Annual Account to be made up, and a Copy thereof transmitted to the Clerk of the Peace.

CXIV. And be it enacted, That the Company shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the First Day of *March* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Chester*, on or before the Thirty-first Day of *January* then next, which Account shall be open

to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Profits of the Company limited to Ten per Cent.

CXV. And be it enacted, That the Profits of the said Undertaking divisible amongst the Proprietors of the said Company shall not exceed Ten Pounds *per Centum per Annum* in any One Year on the Amount paid in respect of each Share in the said Undertaking; and in order to ascertain the Profits of the said Undertaking the said Company shall cause a true and particular Account to be kept, and annually made up to the First Day of *March* or some other convenient Day in each Year, of all Monies received by them under the Authority of this Act, and of all Costs, Charges, and Expences of and attending the Purchase, Construction, repairing, and maintaining of the said Works, and the carrying on the said Undertaking; and if the clear Profits of the said Undertaking, after Payment of all such Costs, Charges, and Expences, shall in any Year amount to a larger Sum than shall be sufficient to make Distribution amongst the Proprietors of the said Company of Ten Pounds *per Centum per Annum* on the Amount paid in respect of each Share in the said Undertaking, the Excess beyond the Sum which may be necessary for the Purposes aforesaid shall from Time to Time be invested in Government or other Securities, and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest until the Fund so formed shall amount to the Sum of Five thousand Pounds, which Sum shall form a contingent or reserved Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits of the said Company, or to meet any extraordinary Claim or Demand which may at any Time arise against the said Company.

Abstract of Account of Receipt and Expenditure to be verified if required.

CXVI. And be it enacted, That when such Fund shall, by Accumulation or otherwise, amount to the Sum of Five thousand Pounds, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the said Undertaking to which the Profits of the said Company are applicable; and an Abstract of such Account, together with an Account of the said contingent Fund, shall be annually laid before the Justices assembled at the Quarter Sessions of the Peace for the County of *Chester* next after the Time of making up such Accounts, and be filed with the Clerk of the Peace of the said County; and the said Company shall also, if required by the Justices, or by the Accountant or other Person to be appointed as herein-after mentioned, produce their Books of Account, and other Books, Bills, Receipts, Vouchers, and Papers relating to the said Undertaking.

Rates to be reduced if Profits more than Ten per Cent.

CXVII. And be it enacted, That such Justices shall nominate and appoint some Accountant or other competent Person, not being a Proprietor in any Gas Company, at the Expence of the said Company, (the Amount of such Expence to be ascertained and decided by

by such Justices,) to examine and ascertain the actual State and Condition of the Concerns of the said Company, and to make Report thereof to the said Justices; and the said Justices may examine any Witnesses upon Oath touching the Truth of the said Accounts, and the Matters therein referred to, and if it shall thereupon appear to such Justices that the Profits of the said Company for the preceding Year shall have exceeded Ten Pounds *per Centum per Annum* on the Amount paid in respect of every Share in the said Undertaking, the said Company shall make such a rateable Reduction in the Rents and Prices of Gas to be furnished by the said Company for the then current Year as the said Company may deem prudent, or as in the Judgment of the said Justices shall be proper, but so as such Rents or Prices, when reduced, shall ensure to the said Company a Profit as near as may be to the Amount of Ten Pounds *per Centum per Annum* upon the Amount paid in respect of each Share for the then current Year.

Penalty for omitting to supply Account of Receipt and Expenditure.

CXVIII. And be it enacted, That if the Company shall refuse or wilfully neglect to lay before the said Justices the said Abstract of Accounts, or to produce to the said Justices, or to the said Accountant or other Person as aforesaid, the Books of Account and other Books, Bills, Receipts, Vouchers, and Papers herein-before mentioned, for the Space of Seven Days after being required so to do by the said Justices, or by such Accountant or other Person as aforesaid, the said Company shall forfeit and pay the Sum of One hundred Pounds for every such Refusal or wilful Neglect, and the further Sum of Ten Pounds for every Day such Refusal or wilful Neglect shall continue after the Expiration of the said Seven Days, such respective Penalties to be recovered by any Person who may sue for the same, with full Costs of Suit, by Action of Debt or on the Case, in any of Her Majesty's Superior Courts; and it shall be lawful for any Consumer of Gas supplied by the said Company to inspect and peruse the Accounts so filed, on Payment to the Clerk of the Peace of the Sum of One Shilling for every such Inspection, and to take or make Copies thereof, paying for every such Copy the Sum of Sixpence for every One hundred Words.

Company may resort to contingent Fund in case divisible Profits are less than Ten per Cent.

CXIX. And be it enacted, That if, in any Year after the passing of this Act, the Profits of the said Undertaking divisible amongst the Proprietors thereof shall not amount to the Sum of Ten Pounds *per Centum per Annum* on the Amount paid in respect of every Share, such a Sum may be taken from the contingent Fund as with the actual divisible Profits of such Year will enable the Company to make a Dividend of Ten Pounds *per Centum per Annum* on the Amount paid in respect of every such Share; and so from Time to Time as often as the divisible Profits of the said Company shall fall short of Ten Pounds *per Centum per Annum* on the Amount paid in respect of every Share.

Dividend not to reduce Capital.

CXX. And be it enacted, That the Company shall not make any Dividend whereby their Capital Stock will be in any Degree reduced.

CXXI. And

Dividend not to be paid unless all Calls paid.

CXXI. And be it enacted, That no Dividend shall be paid in respect of any Share until all Calls then due, in respect of that or of any other Share held by the Person to whom such Dividend may be payable, shall have been paid.

Service of Notices upon Company.

CXXII. And with respect to the Service of Notices upon the Company, be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Company, may be served by the same being given personally to the Secretary of the Company, or being left at the Office of the Company, or being delivered to some Inmate at the Place of Abode of such Secretary; or in case there be no Secretary, or the Place of Abode of the Secretary respectively shall not be found, then by being given to any one Director of the Company, or by being delivered to some Inmate of the Place of Abode of any such Director.

Service by Company on Shareholders.

CXXIII. And with respect to any such Notice required to be served by the Company upon the Shareholders, be it enacted, That unless any such Notice be expressly required to be served personally, it shall be sufficient to transmit the same by Post, directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Notices by Advertisement.

CXXIV. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper shall be advertised in the *Chester Chronicle* Newspaper, or if such Newspaper cease to be published, in a Newspaper circulating in the District within which the Company's principal Place of Business shall be situated.

Authentication of Notices.

CXXV. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by One Director, or by the Treasurer or the Secretary of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Releases to Witnesses.

CXXVI. And be it enacted, That in all legal Proceedings under this Act general or other Releases, for the Purpose of qualifying any Person in the Service of the Company to give Evidence as a Witness, may be granted by any Two or more of the Directors; and every such Release or Discharge under the Hands and Seals of Two of the Directors shall be as effectual for the Purpose aforesaid as if made under the Common Seal of the Company.

Proof of Debts in Bankruptcy.

CXXVII. And with respect to the Proof and Recovery of Debts or other Proceedings against the Estates of Bankrupts or Insolvents, be it enacted, That if any Person against whom the Company shall have

have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Secretary or Treasurer of the Company, and they are hereby severally empowered, in all Proceedings instituted or prosecuted by the Company against the Estate of such Bankrupt or Insolvent, to represent the Company, and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of such Secretary or Treasurer, and not of the Company.

Tender of Amends.

CXXVIII. And with respect to Actions brought in respect of any Proceedings under the Provisions of this Act, be it enacted, That if before Action brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made, it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit; and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Power to purchase Lands.

CXXIX. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Company to agree with the Owners of the Lands mentioned and described on the Plan and in the Book of Reference herein-after referred to, and also with the Owners of any other Lands situate within the aforesaid Townships or any of them, and not exceeding in Quantity Twenty Acres, for the absolute Purchase for a Consideration in Money of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands of what Kind soever.

Parties under Disability enabled to sell and convey.

CXXX. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose, and convey or release the same to the Company, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found; and as to such Married Women, as if they were sole, and as to such Guardians, on behalf of their Wards, and as to such Committees, on

behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Parties under Disability to exercise other Powers.

CXXXI. And be it enacted, That every Power required to be exercised by the Lord of any Manor pursuant to the Provisions of this Act, and the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands to the Company.

Consideration to be a gross Sum.

CXXXII. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

CXXXIII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein, to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained, owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

CXXXIV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, be it enacted, That such Consideration Money shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Company, and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate, and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyances.

CXXXV. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedule (H.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Company, and

shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances, as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Company to attend the Reversion and Inheritance.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in Bank of England.

CXXXVI. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The *Birkenhead* and *Claughton* Gas and Water Company," pursuant to the Method prescribed by an Act of the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Money and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the Court; and for other Purposes*, and pursuant to the General Orders of the said Court; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

1 G. 4. c. 35.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes and in the same Manner as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Exchequer shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

CXXXVII. And

Order for Application.

CXXXVII. And be it enacted, That such Money may be so applied as aforesaid, upon an Order of the Court of Exchequer made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold, or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Purchase Money not amounting to 200*l.* but exceeding 20*l.* to be deposited or invested in Trustees.

CXXXVIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*; but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

CXXXIX. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable for their own Use and Benefit; or in case of the Coverture, Infacy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid for their Use to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Court of Exchequer may direct Investment on Payment

CXL. And be it enacted, That where any such Purchase Money or Compensation so paid into the Bank of *England* shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands

of Money in respect of Leases for Lives, Years, &c., or Reversions, as it may think just.

Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Exchequer, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in Possession deemed to be the Owner.

CXLI. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid, the Parties so in Possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith; and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

CXLII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Exchequer may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Company; (that is to say,) the Costs of the Purchase of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Reinvestment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands; and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Lands not wanted to be sold.

CXLIII. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Company under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Company shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Common Seal of the Company, and a Receipt under such Common Seal shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such

Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Authority to Company to sell Lands and purchase others.

CXLIV. And be it enacted, That it shall be lawful for the Company to sell the Lands which they at any Time shall have acquired, or any Part thereof, in such Manner, and for such Considerations, and to such Persons as the Company may think fit, and again to purchase other Lands for the Purposes of this Act, and afterwards sell the same, and so from Time to Time; but the total Quantity of Land to be held at any one Time by the Company for the Purposes aforesaid shall not exceed Twenty Acres, in addition to the Lands occupied by their Pipes, Aqueducts, and Reservoirs.

Restraint on Purchase from incapacitated Persons.

CXLV. And be it enacted, That the Company shall not purchase more than Twenty Acres from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this Act; and if the Company purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the Whole or any Part of the Land so purchased, it shall not be lawful for any Party, being under legal Disability, to sell to the Company any other Lands in lieu of the Land so sold or disposed of by the Company.

Plan and Section deposited to be open to Inspection; and Copies or Extracts may be had if required.

CXLVI. And whereas a Plan and Section, describing the Line or Situation of the intended Channels, Cuts, and Aqueducts, and the Lands through which the same are intended to be carried, and the Situation of the intended Reservoirs and Works, and a Book of Reference, containing a List of the Owners, Lessees, and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace of the County of *Chester;* be it enacted, That such Plan, Section, and Book of Reference shall be kept by the Clerk of the Peace for the said County, and such Clerk of the Peace shall permit all Persons to inspect the same at seasonable Times, and shall make out Copies and Extracts therefrom for all Persons requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Power to enter on Lands and construct Works.

CXLVII. And be it enacted, That it shall be lawful for the Company to enter into any Lands, Waters, and other Places mentioned in the said Plan and Book of Reference which they shall have purchased, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the Works hereby authorized to be made, and to dig and break up the Soil of such Lands, Waters, and Places, and to trench and sough the same, and to remove or use all Soil, Trees, or other Things dug or gotten out of the same, they the Company doing as little Damage as may be in the Execution of the Powers hereby granted, and making Satisfaction to all Persons interested in any Lands or Water used for the Purposes of this Act, or which may be injured by the Execution of the Powers hereby granted.

Company empowered to construct Gas and Waterworks, &c.

CXLVIII. And be it enacted, That it shall be lawful for the Company, subject to the Restrictions herein contained, from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Waterworks, Steam Engines, Water-wheels, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Conduits, Engines, Waste-gates, Stop-gates, Stop-cocks, Sluices, Banks, Bridges, Syphons, Pipes, Tunnels, Machinery, and other Works, and also such Houses and Buildings, upon the Lands and Streams purchased by the Company as they shall think proper for supplying the Inhabitants of *Birkenhead* aforesaid with Water; and also to lay down such Pipes, and to construct such Gasometers and other Works as may be necessary for lighting with Gas the said Townships of *Birkenhead*, *Tranmere*, *Lower Bebington*, *Higher Bebington*, *Bromborough*, *Great Neston*, *Little Neston*, *Poultôn-cum-Spittle*, *Thornton*, *Hough*, *Upton*, *Bidston*, *Oxton*, *Claughton*, *Prenton*, *Poulton-cum-Seacombe*, *Liscard*, and *Wallasey*.

Power to break up Streets, &c.

CXLIX. And be it enacted, That it shall be lawful for the Company to erect, form, lay down, alter, repair, or remove, in or under any Street or Highway within the Limits of this Act, any Aqueducts, Conduits, Pumps, Syphons, Pipes, Tunnels, Lamp Posts, and other Works for the Purposes of this Act, and for such Purposes to break up or open the Pavement or Soil of any such Street or Highway, and any public Sewer or Drain therein; they the Company doing as little Damage as may be in the Execution of the said Powers, and making Compensation for any Damage caused thereby in manner herein mentioned.

Notice to be served before breaking up Streets.

CL. And be it enacted, That, before any Street shall be opened or broken up by the Company, they shall give to the Persons under whose Control or Management such Street may be Notice in Writing of their Intention to open or break up the same, Four Days before the Commencement of such Operation.

Streets to be broken up under Superintendence.

CLI. And be it enacted, That every such Street shall be opened or broken up under the Superintendence of the Persons having the Control or Management of the same, or their Officer, and according to such Plan as shall be agreed upon between such Persons or their Officer and the Company, or in case of any Difference respecting such Plan, then according to such Plan as shall be determined by a Justice; and such Justice is hereby required, on the Application of the Company, to determine the Plan according to which such Street shall be opened or broken up; provided that Three Days Notice of the Time and Place at which such Determination is to be made shall be proved to have been served on the Person having the Control or Management of the Street proposed to be broken up.

Streets broken up to be reinstated without Delay.

CLII. And be it enacted, That when the Pavement or Soil of any Street shall be opened or broken up by the Company, they shall with all convenient Speed complete the Work on account of which the same shall be broken up, and fill in the Ground and make good the Pavement or Soil so opened or broken up, and carry away the

Rubbish occasioned thereby; and shall in the meantime cause the Place where such Pavement or Soil shall be so opened or broken up to be fenced and guarded, and set up and maintain, upon or against the Part of the said Pavement or Soil so broken up or opened, a sufficient Light during every Night during which such Pavement or Soil shall be continued open or broken up.

Penalty for Delay in reinstating the Street.

CLIII. And be it enacted, That if the Company shall make any Delay in completing any such Work, or in filling in the Ground, or making good the Pavement or Surface so opened or broken up, or in carrying away the Rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the Place where such Pavement or Surface shall have been broken up, they shall forfeit a Sum not exceeding Five Pounds for every such Offence, and a further Sum not exceeding Five Pounds for each Day during which such Delay shall continue.

In case of Delay other Parties may reinstate, and recover the Expences.

CLIV. And be it enacted, That if any such Delay as aforesaid shall take place, it shall be lawful for the Persons having the Control or Management of the Street in respect of which such Delay shall take place to cause the Matter or Thing so delayed to be done; and the Expence of doing the same, together with the Costs of recovering such Expence, shall be recovered from the Company, in the same Manner as any Damages for the Recovery of which no special Provision is made by this Act are hereby directed to be recovered; and the Money so recovered shall be applied by the Persons having the Control and Management of the Street for the Purposes of the same.

Public Sewers to be opened under Superintendence.

CLV. And be it enacted, That no public Sewer or Drain within the Limits of this Act shall be opened or interfered with by the Company except under the Superintendence of the Persons having the Control or Management of such public Sewer or Drain.

Notice to be given before opening Sewers.

CLVI. And be it enacted, That if any public Sewer or Drain within the Limits of this Act shall be intended to be opened or interfered with by the Company, they shall give Notice of such Intention to the Persons having the Control or Management of such public Sewer or Drain Twenty-four Hours at least previously to the Commencement of the Operations.

Sewers to be reinstated.

CLVII. And be it enacted, That the Company shall reinstate and make good with as little Delay as may be any public Sewer or Drain opened or interfered with by them.

Penalty for opening without Notice or delaying to reinstate.

CLVIII. And be it enacted, That if the Company shall open or interfere with any public Drain or Sewer without giving such Notice as aforesaid, or shall make any Delay in reinstating or making good any public Sewer or Drain opened or interfered with by them, they shall forfeit to the Persons having the Control or Management of such Sewer or Drain a Sum not exceeding Ten Pounds for every such Offence.

CLIX. And

In case of Delay other Parties may reinstate, and recover the Expences.

CLIX. And be it enacted, That if any Delay shall take place in reinstating and making good any Sewer or Drain so broken or opened, it shall be lawful for the Persons having the Control or Management thereof to reinstate and make good the same, and the Expences occasioned thereby shall be paid by the Company to such Persons as aforesaid, and shall, together with the Costs of recovering such Expences, be recovered by them from the Company, in the same Manner as any Damages for the Recovery of which no special Provision is made by this Act are hereby directed to be recovered, and be applied by them for the Purposes of any public Sewer or Drain under their Control.

Authority to lend Meters and Fittings.

CLX. And be it enacted, That the said Company may let to Hire any Meter for ascertaining the Quantity of Gas supplied, and any Fittings for consuming Gas, at such Rent or Sum as shall be agreed upon between the Parties; and such Rent or Sum shall be recoverable in the same Manner as other Rents due to the Company, and the said Meter and Fittings shall not be liable to any Landlord's Distress for Rent of the Premises.

Service Cocks to be kept fully charged.

CLXI. And be it enacted, That every Branch or Service Pipe which shall be used for lighting with Gas the said Streets shall be kept fully charged with Gas, and the Stop-cock shall be so turned as not to impede any such Branch or Service Pipe being filled with Gas during the Time the same shall be lighted.

Power to Inhabitants to lay Service Pipes.

CLXII. And be it enacted, That it shall be lawful, for such of the Inhabitants within the Limits of this Act as shall be desirous of having Water from the Waterworks of the Company conveyed into their Premises, to open, with the Consent of the Owners and Occupiers thereof, the Ground between the Main and Branch Water Pipes of the Company and their respective Houses, Buildings, and Premises, and to lay any Leaden or other Service Pipes from such Premises to communicate with the Main or Branch Water Pipes of the Company: Provided always, that every such Inhabitant shall, before he shall commence laying any Service Pipe to communicate with the Pipes of the Company, give to the Company Fourteen Days Notice of his Intention to do so.

Communication to be made under Superintendence of Company's Surveyor.

CLXIII. And be it enacted, That, before any Service Pipe is made to communicate with the Main or Branch Pipes of the Company, the Inhabitant intending to lay such Service Pipe shall give Six Days Notice to the Company of the particular Day and Hour when such Pipe is intended to be made to communicate with the Pipes of the Company; and every such Service Pipe shall be so made to communicate under the Superintendence and according to the Directions of the Surveyor or other Officer appointed for that Purpose by the Company, unless such Surveyor or Officer shall not attend at the Time mentioned in the said Notice.

Bore of Service Pipes.

CLXIV. And be it enacted, That the Bore of any such Service Water Pipe as aforesaid shall not exceed Three Fourths of an Inch, except with the Consent of the Company.

CLXV. And

Occupiers not to make Service Pipes until Water Rent is paid.

CLXV. And be it enacted, That no Owner or Occupier of any Dwelling House or Part of a Dwelling House shall make any Service Pipe for such Dwelling House or Part of a Dwelling House to communicate with the Pipes of the Company, except he shall have paid in advance the Portion of the yearly Rent payable in respect of such Dwelling House hereby directed to be so paid.

Inhabitants not to make Communication before Agreement for Supply of Water.

CLXVI. And be it enacted, That no Inhabitant within the Limits of this Act (except the Owner or Occupier of a Dwelling House or Part of a Dwelling House laying any Service Pipe for the Supply of Water to the same) shall make any Service Pipe to communicate with the Pipes of the Company, except he shall have agreed with the Company for a Supply of Water to his Buildings and Premises.

Removal of Service Pipes.

CLXVII. And be it enacted, That it shall be lawful for any Person who shall have laid down any Pipe, or who shall have become entitled to the same, to remove the same, and the Cocks and other Apparatus belonging thereto, after having first given Fourteen Days Notice in Writing to the Company of his Intention so to do, and of the Time of such proposed Removal; and every such Person shall make Compensation to the Company for any Injury or Damage to their Pipes or Works which may be caused by such Removal.

Power for Inhabitants to break up Pavements.

CLXVIII. And for the Purpose of enabling the Inhabitants within the Limits of this Act to lay down Service Pipes for Water in any Streets and Highways within the same, and to repair, renew, and remove such Pipes, be it enacted, That it shall be lawful for any such Inhabitant to open or break up the Pavement and Soil of any such Street or Highway as shall be between any Main or Branch Pipe of the Company and his House, Building, or Premises, and any Sewer or Drain therein, for any such Purpose as aforesaid, doing as little Damage as may be, and making Compensation for any Damage done in the Execution of any such Work: Provided always, that every such Inhabitant breaking up the Pavement or Soil of any Street or Highway, or any Sewer or Drain therein, shall be subject to the same Necessity of giving previous Notice, and in opening and breaking up the same shall be subject to the same Control, Restrictions, and Provisions in and during the Time of breaking up the same, and for reinstating the same, and to the same Penalties for any Delay in regard thereto, as the Company are subject to by virtue of this Act.

Rates at which the Company are to supply Water.

CLXIX. And be it enacted, That the Company shall, at the Request of the Owner or Occupier, furnish to every Occupier of a private Dwelling House or a Part of a Dwelling House, within Ten Yards of which any Main Water Pipe of the Company shall be laid, a sufficient Supply of Water for the domestic Uses of every such Occupier, at the following Rates *per Annum*; (that is to say,)

When the annual Rack Rent or Value of the Premises so supplied with Water shall not exceed Five Pounds *per Annum*, at a Rate *per Annum* not exceeding Ten Shillings:

When such Rent or Value shall be above Five Pounds, and not exceeding Fifteen Pounds *per Annum*, at a Rate *per Annum* not exceeding Twenty Shillings:

When such Rent or Value shall be above Fifteen Pounds, and not exceeding Thirty Pounds *per Annum*, at a Rate *per Annum* not exceeding Two Pounds:

When such Rent or Value shall be above Thirty Pounds, and not exceeding Sixty Pounds *per Annum*, at a Rate *per Annum* not exceeding Four Pounds:

When such Rent or Value shall be above Sixty Pounds, and not exceeding One hundred Pounds *per Annum*, at a Rate *per Annum* not exceeding Five Pounds:

When such Rent or Value shall be above One hundred Pounds *per Annum*, at a Rent *per Annum* not exceeding Seven Pounds:

Provided nevertheless, that the Company shall not be entitled to receive from any such Owner or Occupier more than the Sum of Seven Pounds in any One Year for such Supply, nor shall the Company be obliged to furnish such Supply to any Occupier for any less Sum than Ten Shillings in any One Year: Provided also, that a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths, Horses, or Cattle, or for washing Carriages.

Valuation to be according to the Assessment to the Poor's Rate.

CLXX. And be it enacted, That such Water Rates shall be paid by the Owner or Occupier requesting the Supply of Water, and shall be payable according to the annual Value at which the Premises shall be assessed to the Poor's Rate, if the same shall be so assessed, or if not, according to the net annual Value of the Premises.

Where several Houses supplied by One Pipe, each to pay.

CLXXI. And be it enacted, That when several Houses or Parts of Houses in the Occupation of several Persons shall be supplied by One common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses shall be liable to the Payment of the same Rates for the Supply of Water as they would have been liable to if each of such several Houses or Parts of Houses had been separately supplied with Water from the Works of the Company by a distinct Pipe.

Rates to be paid quarterly.

First Payment.

CLXXII. And be it enacted, That the Rates payable to the Company for the Supply of Water to any Dwelling House or Part of a Dwelling House shall be paid in advance by equal quarterly Payments at the Four usual Feasts in the Year; and the first Payment shall be made at the Time at which the Service Pipe from such Dwelling House or Part of a Dwelling House shall be made to communicate with the Pipes of the Company, or at the Time when any Occupier of a Dwelling House or Part of a Dwelling House shall contract to take Water from the Company; and the Amount of such first Payment shall be such Proportion of a quarterly Payment as the Length of Time that shall intervene between such Day of Payment and the next quarterly Feast shall bear to a Quarter of a Year.

Parties removing to pay to the

CLXXIII. And be it enacted, That the Person liable to the Payment of any Rate for Water supplied under the Provisions herein-

before contained in respect of any Dwelling House or Part of a Dwelling House, the Occupier whereof shall remove from such Dwelling House or Part of a Dwelling House, or shall give Notice of his Intention to discontinue the Use of the Water supplied by the Company between any Two Feasts, shall pay the Water Rate in respect of such Dwelling House or Part of a Dwelling House becoming due on the Feast next following his quitting the same or giving such Notice. next Quarter Day.

CLXXIV. And be it enacted, That it shall be lawful for the Company to supply any Person with Water for other than domestic Purposes, and to supply any Person with Gas, at such Rate or Rent and upon such Terms and Conditions as shall be agreed upon between the Company and the Person desirous of having such Supply of Water or Gas. Water for other than domestic Purposes and Gas to be supplied by Agreement.

CLXXV. And be it further enacted, That if any Person supplied with Water or Gas by the Company shall neglect to pay any Rate, Rent, or Sum of Money due to them at any of the Times appointed for Payment thereof, it shall be lawful for the Company or their Lessee to stop the Supply of Water or Gas to such Person, by cutting off the Service Pipe to the Premises of such Person, or by such Means as the Company or their Lessee shall think fit, and to recover the Rate, Rent, or Sum due from such Person, if less than Twenty Pounds, together with the Expence of cutting off such Supply as aforesaid, and Costs of recovering the same, by the same Means as any Damages for the Recovery of which no special Provision is contained in this Act are hereby directed to be recovered; or if the Rate, Rent, or Sum due shall amount to Twenty Pounds or upwards, it shall be lawful for the Company to recover the same, together with the Expences of cutting off such Supply of Water or Gas, as the Case may be, in any of the Superior Courts, by Action of Debt or on the Case. Recovery of Rent.

CLXXVI. And be it enacted, That it shall be lawful for the Company to lease the whole or any of the Water Rates or Rents payable to the Company by virtue of this Act or otherwise for any Term not exceeding Three Years, and upon such Rents, Covenants, and Conditions as the Company shall think fit. Power to lease the Water Rates.

CLXXVII. And be it enacted, That if the Company shall neglect or refuse to furnish a sufficient Supply of Water for domestic Purposes, at the Rates aforesaid, to any Owner or Occupier of any Dwelling House or Part of any Dwelling House situate within Ten Yards of any Main Pipe of the said Company, for Seven Days after Demand in Writing made to the Clerk or Surveyor of the Company, and Tender made to such Clerk or Surveyor of the Amount of the Portion of the Rate payable in advance, the Company shall forfeit to the Owner or Occupier making such Demand Treble the Amount of the Rate so tendered, and also the further Sum of Twenty Shillings for every Day during which they shall refuse or neglect to furnish such Supply: Provided always, that the Company shall not be obliged to supply any Water to any such Owner or Occupier, or Penalty for refusing a Supply of Water.

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be liable to any Penalty for not supplying the same, if such Supply cannot be made by the Company without lessening the Quantity of Water required by other Owners or Occupiers of Houses and Parts of Houses supplied with Water by the Company previously to the Demand made by such Occupier.

Penalty for Failure of Supply of Water.

CLXXVIII. And be it enacted, That if the Company shall neglect or refuse to furnish a sufficient Supply of Water for domestic Purposes during any Part of the Period for which the Rate for such Supply shall have been paid, they shall forfeit to the Person having paid such Rate the Sum of Twenty Shillings for every Day during which such Refusal or Neglect shall continue after Notice shall have been given to the Company of the Want of such Supply; but no Penalty shall be payable by the Company if the Want of such Supply shall arise from Frost, or other unavoidable Cause or Accident.

Fire Plugs to be provided by the Company.

CLXXIX. And be it enacted, That the Company shall, at the Time of laying down any Main Pipe for the Conveyance of Water in any Street within the Limits of this Act, fix, and from Time to Time repair or renew, Fire Plugs in such Street for the Supply of Water in extinguishing Fire; and as soon as any such Fire Plug shall have been completed the Company shall deposit a Key of such Fire Plug at each Place within the Township of *Birkenhead* where any public Engine shall be kept for extinguishing Fire, and affix a public Notification in some conspicuous Place by the Side of the said Street, to denote the Situation and Distance of such Fire Plug.

Water to be taken to extinguish Fires.

CLXXX. And be it enacted, That it shall be lawful for all Persons at all Times to take and use the Water of the Company in extinguishing any Fire which may happen within the Limits of this Act, without making Compensation for such Water.

Persons using the Water to provide Cisterns and Cocks.

CLXXXI. And be it enacted, That every Person supplied with Water under the Provisions of this Act shall, when required by the Company, provide a proper Cistern to receive and retain the Water with which he shall be so supplied, with a Ball and Stop-cock affixed to the Pipe conducting the Water from the Works of the Company to such Cistern, and shall keep such Cistern, Ball, and Stop-cock in good Repair, so as effectually to prevent the Water from running to waste; and in case any such Person shall neglect to provide, when required by the Company, such Cistern, Ball, or Stop-cock, or to keep the same in good Repair, it shall be lawful for the Company, or for any Person acting under their Authority, to cut off the Pipe or turn off the Water from the Premises of such Person, until such Cistern and Ball and Stop-cock shall be provided or repaired, as the Case may require.

Penalty for suffering Cisterns, &c. to be out of repair.

CLXXXII. And be it enacted, That if any Person supplied with Water by the Company shall suffer any Cistern, Place for Water, Pipe, or Cock, or Gas Meter belonging to or used by him, to be out of repair, so that the Water or Gas supplied to him by the Company shall be wasted, or the Supply thereof improperly increased, he

he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Company may repair, and recover the Expences.

CLXXXIII. And be it enacted, That it shall be lawful for the Company to repair any such Cistern, Place for Water, Pipe, or Cock, or Gas Meter, and the Expences of such Repair shall be payable by the Person so allowing the same to be out of repair, and to be recovered in manner herein provided for Recovery of the Water Rate or Rent.

Power to Company's Surveyor to enter Houses to inspect.

CLXXXIV. And be it enacted, That it shall be lawful for the Surveyor or any other Person acting under the Authority of the Company, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, upon giving Twelve Hours previous Notice of their Intention, to enter into any House, Building, or Premises supplied with Water or Gas by virtue of this Act, in order to inspect and examine if there be any Waste or improper Use of such Water or Gas; and if such Surveyor or other Person acting by the Authority of the Company shall at any such Time be refused Admittance into such Dwelling House, Building, or Premises, for the Purpose aforesaid, or shall be prevented from making such Inspection and Examination as aforesaid, it shall be lawful for the Company to cut off the Water or Gas supplied by the Company from such House, Building, or other Premises.

Penalty for allowing Persons to use the Company's Water or Gas.

CLXXXV. And be it enacted, That every Person supplied with Water or Gas under the Provisions of this Act who shall supply to any other Person, or wilfully permit any other Person to take, any Water or Gas supplied by the Company from any Cistern, Pipe, or Place for Water, or any Pipe conveying Gas belonging to him, shall forfeit for every such Offence a Sum not exceeding Five Pounds: Provided always, that the Supply of Water for the Purpose of extinguishing any Fire, or in any sudden Emergency, or to any Person supplied with Water by the Company during any Time that the Pipes or Cock belonging to such Person may be out of repair, if such Pipe or Cock shall not have been out of repair during a longer Time than was necessary for the Repair thereof, shall not be deemed an Offence within the Meaning of this Act.

Penalty for taking the Company's Water without Agreement.

CLXXXVI. And be it enacted, That if any Person, not having agreed to be supplied with Water by the Company, shall take any Water from any Reservoir or Aqueduct belonging to the Company, or any Pipe affixed or leading to any such Aqueduct or Reservoir, or from any Cistern or other like Place containing Water belonging to the Company, he shall forfeit for every such Offence a Sum not exceeding Two Pounds.

Penalty for destroying Valves, &c.

CLXXXVII. And be it enacted, That every Person who shall wilfully or carelessly break, injure, or open any Valve, Pipe, or Clow belonging to, or shall flush or draw off the Water of the Company, or shall do any other wilful Act whereby such Water shall be wasted, shall forfeit for every such Offence a Sum not exceeding Two Pounds.

Penalty on laying Pipes of Communication, &c. without Consent of Company.

CLXXXVIII. And be it enacted, That any Person who shall lay any Pipe to communicate with any Gas Pipe belonging to the said Company, or fit or alter any of the Fittings of any Pipe or Lamp, or alter any Meter belonging to the said Company, without the Consent of the said Company first obtained, shall for every such Offence forfeit to the Company the Sum of Forty Shillings *per* Day for every Day such Offence shall continue.

Penalty for wilfully damaging Pipes, &c.

CLXXXIX. And be it enacted, That every Person who shall wilfully or maliciously commit or cause to be committed any of the following Offences shall for every such Offence forfeit any Sum not exceeding Five Pounds, and shall make Satisfaction to the Company for any Damage occasioned by such Offence; (that is to say,)

Every Person who shall damage any of the Mains, Branches, or Service Pipes of the said Company:

Every Person who shall remove, destroy, or injure any Cistern, Pipe, Post, Plug, Lamp, Lamp Glass, Burner, Meter, or other Apparatus, Matter, or Thing, Buildings, Works, or Appurtenances belonging to the Company:

Every Person who shall waste any of the Gas or Water supplied by the Company, or shall alter the Burners, or shall consume such Gas beyond the Time agreed.

Damage for accidentally injuring Pipes, &c.

CXC. And be it enacted, That any Person who shall negligently or accidentally break, remove, or injure any Pipe, Plug, Lamp, Lamp Post, Lamp Iron, or other Apparatus, Matter, or Thing belonging to the Company, or waste the Gas or Water supplied by the Company, shall, immediately upon Demand by the Company, or their Directors, or Persons by them authorized, make Satisfaction for the Damage done, or for the Gas or Water so wasted.

Penalties for fouling the Water of the Company.

CXCI. And be it enacted, That every Person who shall commit any of the following Offences shall for every such Offence forfeit a Sum not exceeding Ten Pounds; (that is to say,)

1. Every Person who shall cause any Dog or other Animal to go into any Reservoir or Water belonging to the Company, or shall bathe or wash any such Dog or Animal therein:
2. Every Person who shall throw any Gravel, Stone, Rubbish, Filth, or other offensive Thing into, or wash or cleanse any Cloth, Wool, Leather, or Skin of any Animal, or any Wearing Apparel, or other Thing, in any such Reservoir or Water as aforesaid:
3. Every Person who shall cause or permit the Water of any Sink, Sewer, or Drain, or other filthy Water belonging to him or under his Control, to run or be conveyed into any of the Water belonging to the Company, or into any Spring, Drain, or Watercourse communicating therewith, or shall commit or cause any Act whereby the Water of the Company shall be fouled or corrupted.

CXCII. And

Penalty for corrupting Water within the Limits of this Act.

CXCII. And be it enacted, That if the said Company, or any Person making or supplying Gas within the Limits of this Act, shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for in Superior Courts within Twelve Months.

CXCIII. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted by any such Act as aforesaid: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during the Continuance of the Offence.

CXCIV. And be it enacted, That, in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Company or Person offending shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue, after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Company or Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby, and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during Escape of Gas after Notice.

CXCV. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by the said Company, or by any Company or Person supplying Gas within the Limits of this Act, such Company or Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Company or Person shall not, within Twenty-four Hours next after Service of such Notice, effectually prevent the Gas from escaping and wholly remove the Cause of Complaint, then the Company or Person so offending shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Position of Gas Pipes with reference to Water Pipes

CXCVI. And be it enacted, That every Pipe for the Conveyance of Gas within the Limits of this Act shall be laid at the greatest practicable Distance, and if the Width of the Carriageway will admit thereof, at the Distance of Four Feet at least, from the nearest Part of

of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water within the Limits of this Act, except where it shall be necessary to lay the Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above the Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and shall be at least Nine Feet in Length, and be so laid down that no Joint of any Gas Pipe shall be nearer to any Part of the Water Pipe than Four Feet.

Manner of laying the Gas Pipes.

CXCVII. And be it enacted, That in laying down any such Gas Pipes no Two of such Gas Pipes shall be joined together previous to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench; and the Jointing with the other Pipes to be added thereto shall be made after the Pipes shall be so laid in the Trench, with proper Materials; and every such Pipe, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept Air-tight, so that in every respect the Gas shall be prevented from escaping therefrom.

Penalty for laying Gas Pipes contrary to the Act.

CXCVIII. And be it enacted, That if any Gas Pipe shall be laid down, formed, or jointed contrary to any of the Provisions herein contained, or if the Gas shall escape from any such Pipe, the Company or Person to whom such Gas Pipe shall belong shall forfeit for every such Offence the Sum of Five Pounds.

Penalty on Gas-makers if Water contaminated.

CXCIX. And be it enacted, That whenever the Water supplied by the Company, or any other Water within the Limits of this Act, shall be contaminated by the Gas of any Company or Person making or supplying Gas within the Limits of this Act, such Company or Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Daily Penalty during the Continuance of the Contamination after Notice.

CC. And be it enacted, That if the said Company or Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected, served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be contaminated or affected, a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Power to examine Gas Pipes, to ascertain Cause of Contamination.

CCI. And whereas it may become a Question, upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by Gas, be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong, to dig and examine the Pipes, Conduits, and Apparatus of the said Company, or of any Company or Person supplying Gas within the Limits of this Act, for the Purpose of ascer-

taining whether the said Water has been contaminated or affected by the Gas of such Company or Person.

The Expences to abide the Result of the Examination.

CCII. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by Gas, the Expences of the digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Company or Person supplying such Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Company or Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Company or Person any Injury which may be occasioned to the Works of the said Company or Person by such Examination.

The Amount of the Expences to be ascertained and recovered as other Damages.

CCIII. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to such Company or Person, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

Persons supplying Gas to be liable to Indictment for Nuisance.

CCIV. Provided always, and be it enacted, That nothing in this Act contained shall prevent the said Company, or any other Company or Person making or supplying Gas within the Limits of this Act, from an Indictment for any Nuisance, or any other legal Proceeding to which they may be liable in consequence of the making or supplying such Gas.

Provision for Damages not otherwise provided for.

CCV. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by One or more Justices; and when by this Act any Damage or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justice or Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same may be levied by Distress, and such Justices shall issue their Warrant accordingly.

Justices to examine Parties and Witnesses.

CCVI. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice, it shall be lawful for such Justice to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose, and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such

such Question fail to appear, at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Distress against the Company.

CCVII. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justice to be paid by the Company, for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Company to the Party entitled to receive the same within Seven Days after Demand thereof in Writing, stating the Order of the Justice for the Payment of such Money, the Amount may be recovered by Distress; and the Justice by whom such Sum of Money shall have been ordered to be paid, or any other Justice, on Application, shall issue his Warrant accordingly; and if sufficient Goods or Effects of the Company cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Company, and the Justice aforesaid, or any other Justice, on Application, shall issue his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

Distress against the Treasurer.

Reimbursement of the Treasurer.

CCVIII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid, he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue for the same against the Company by Process of Law.

Publication of Penalties.

CCIX. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing Boards used for publishing Penalties.

CCX. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence

a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before One or more Justices.

CCXI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any One or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CCXII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Two Justices shall issue their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCXIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress, to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or on other Proof, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

CCXIV. And

Application of Penalties.

CCXIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice or Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Company, and the other Half thereof to the Informer, or any Person suing for the same; or if the Company be the offending Party, shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CCXV. And be it enacted, That no Person except the Company shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act, for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making Default.

CCXVI. And be it further enacted, That if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CCXVII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Company, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against any of the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCXVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (G.) to this Act annexed.

Informalities.

CCXIX. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CCXX. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and

and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CCXXI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

CCXXII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought; and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereof.

Court to make such Order as they think reasonable.

Costs.

CCXXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Interpretation Clause.

CCXXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall extend to Corporation, whether Aggregate or Sole:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Secretary" shall include the Word "Clerk:"

The Word "Lands" shall extend to Brooks, Streams, Waters, Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Limits of this Act" shall be held to include the Township of *Birkenhead*, as far as regards the Powers and Provisions of this Act with relation to the Supply of Water, or in any Manner relating to the Waterworks of the Company within the said Township, and the several Townships of *Birkenhead*, *Tranmere*, *Lower Bebington*, *Higher Bebington*, *Bromborough*, *Great Neston*, *Little Neston*, *Poulton cum Spittle*, *Thornton*, *Hough*, *Upton*, *Bidston*, *Oxton*, *Claughton*, *Prenton*, *Poulton cum Seacombe*, *Liskeard*, and *Wallasey*, as far as regards the Powers and Provisions of this Act with relation to the Supply of Gas, or in any Manner relating to the Gas Works of the Company to be made in the said Townships:

The Word "Justice" shall mean Justice of the Peace for the County or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:

The Expression "the Company" shall mean the Company incorporated by this Act: And

The Expressions "the Directors" and "the Secretary" shall mean the Directors and the Secretary respectively of such Company:

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of this Act.

Public Act.

CCXXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

FORM of CERTIFICATE of SHARE.

"The Birkenhead and Claughton Gas and Water Company."

Number

THIS is to certify, That *A. B.* of is the Proprietor of the Share Number of "The Birkenhead and Claughton Gas and Water Company," subject to the Regulations of the said Company. Given under the Common Seal of the said Company the , Day of in the Year of our Lord .

SCHEDULE (B.)

FORM of TRANSFER of SHARES.

I of in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares] numbered in the Undertaking called "The Birkenhead and Claughton Gas and Water Company," to hold unto the said his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or* Shares] subject to the same Conditions. As witness our Hands and Seals the Day of .

SCHEDULE (C.)

FORM of MORTGAGE DEED.

"The Birkenhead and Claughton Gas and Water Company."

Mortgage, Number £

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Birkenhead and Claughton Gas and Water Company," in consideration of the

the Sum of Pounds paid to us by *A.B.* of do assign unto the said *A.B.* of his Executors, Administrators, and Assigns, the said Undertaking [*and in case such Loan shall be in anticipation of the Capital authorized to be raised*, all future Calls on Shareholders], and all the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*)]. Given under our Common Seal this Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Bond.

"The Birkenhead and Claughton Gas and Water Company."

Bond, Number £

By virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Birkenhead and Claughton Gas and Water Company," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, That if the said Company shall pay to the said *A. B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of then the above-written Obligation is to become void, otherwise to remain in full Force. Given under our Common Seal this Day of One thousand eight hundred and .

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage], Number made by "The Birkenhead and

and Claughton Gas and Water Company," to bearing Date the Day of for securing the Sum of and Interest, [*or if such Transfer be by Indorsement*, the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage*, and in and to the Tolls, Money, and Property thereby assigned.] Dated this Day of One thousand eight hundred and .

SCHEDULE (F.)

Form of Proxy.

A. B. of One of the Proprietors of "The Birkenhead and Claughton Gas and Water Company," doth hereby appoint *C. D.* of to be the Proxy of the said *A. B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors to the said Company to be held on the Day of next, in such Manner as he the said *C. D.* doth think proper. In witness whereof the said *A. B.* hath hereunto set his Hand, [*or if a Corporation*] the Common Seal of the Corporation, the Day of One thousand eight hundred and .

SCHEDULE (G.)

Form of Conviction.

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.*, One of Her Majesty's Justices of the Peace for the County, of [*here describe the Offence generally, and the Time, Place, when and where committed*], contrary to the Birkenhead and Claughton Gas and Water Act, 1841. Given under my Hand and Seal the Day and Year first above written.

C. D.

SCHEDULE (H.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be*, into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Exchequer, ex parte "The Birkenhead and Claughton

Claughton Gas and Water Company," (*or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same)], pursuant to an Act passed, *&c.*, intituled *&c.*, by the [Birkenhead and Claughton Gas and Water Company], incorporated by the said Act, do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey; to hold the Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord .

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