

ANNO SEXTO

VICTORIÆ REGINÆ.

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whereas the several Purposes aforesaid might be more effectually carried into execution if the said recited Act were repealed, and further Powers granted instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the passing of this Act the recited Act shall be repealed, and that this Act shall thereafter be put into execution for the Purposes herein-after contained.

Recited Act repealed, and this Act to be put into execution.

Conveyances, &c. under former Act good under this Act.

II. And be it enacted, That all Conveyances, Assurances, Demises, and Grants, Mortgages, Bonds, Covenants, Agreements, Contracts, and Securities, made, executed, or entered into by any Person to or with the Company, and all Actions, Suits, Prosecutions, and other Proceedings commenced or pending by or against the Company, under or by virtue of the recited Act, shall not become invalidated, made void, discharged, abated, discontinued, prejudiced, or affected by the Repeal of the recited Act, but shall continue and remain in full Force and Effect; and all Monies due to, and all Property and all Choses in Action vested in the Company under and by virtue of the recited Act shall immediately on the Commencement of this Act become vested in the Company continued and incorporated by this Act, and such last-mentioned Company may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under this Act, and they shall be liable to all the Debts and Engagements to which the Company under the recited Act were liable at the repeal thereof.

Provisions of certain Acts continued as if recited Act were not repealed.

III. And whereas by an Act passed in the Session of Parliament of the Eleventh Year of the Reign of His Majesty King *George* the Fourth, and in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for more effectually cleansing, paving, lighting, watching, regulating, and improving the Township of* Little Bolton *in the County Palatine of* Lancaster, Provision is made for limiting the Price to be charged by "The *Bolton* Gas Light and Coke Company" by the recited Act incorporated, for Gas supplied by them, and also for the altering, removing, re-laying, and repairing the Mains and Pipes of the said Company in Cases where the same are affected by the Works of the Trustees under the said Act; and by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Bolton-le-Moors *to* Preston *in the County of* Lancaster, Provision is made for the Protection and Maintenance of the Mains, Pipes, and other Works of the said "*Bolton* Gas Light and Coke Company," and directing the Mode of laying down the Mains, Pipes, and other Works of such last-mentioned Company where the same are affected by the Works of the said Railway; be it therefore enacted, That all the Provisions, so far as they relate to the Matters aforesaid, contained in the said Acts having reference to the said

7 W. 4. & 1 Vict. c. 121.

"*Bolton*

"*Bolton* Gas Light and Coke Company," or to the Works or Property of the said Company, in force on the passing of this Act, shall continue and extend to "The *Bolton* Gas Light and Coke Company" by this Act incorporated, and to the Works and Property of such last-mentioned Company, in as full, ample, and beneficial a Manner as if the said recited Act had not been repealed.

Officers under former Act to account.

IV. And be it enacted, That all Officers and Persons who on the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects, under or by virtue of any of the Provisions of the recited Act, shall be liable to account for and to deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed and had become possessed of such Monies, Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act.

Present Officers continued.

V. And be it enacted, That all Officers and Persons appointed under the recited Act (except the Treasurer) shall enjoy their respective Offices and Employments according to the Terms of their Appointments, or until removed therefrom by the Company; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and shall be liable to the same Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under this Act.

Company continued.

VI. And be it enacted, That every Person and Corporation who shall be possessed of any Share created by the recited Act, or shall become possessed of any Share to be created by virtue of this Act, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of lighting with Gas the Borough of *Bolton*, and the said Townships, Hamlets, or Places of *Sharples Lower-end*, *Great Lever*, and *Rumworth*, and for the manufacturing of Sulphate of Ammonia, Muriate of Ammonia, Naphtha, Lamp Black, and other Products in connexion with such Gas, according to the Provisions of this Act, and for the Purpose aforesaid shall be incorporated by the Name of "The *Bolton* Gas Light and Coke Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands within the Restrictions herein-after contained for the Purposes of the said Undertaking.

Capital.

VII. And whereas the present subscribed Capital of the Company is Fifteen thousand Pounds, and it is expedient that the same should be increased to Forty-nine thousand five hundred Pounds; be it enacted, That Forty-nine thousand five hundred Pounds shall be the future Capital of the Company, and shall be divided into Shares of Sixteen Pounds and Ten Shillings each.

VIII. And

Persons possessed of Shares created under former Act to be entitled to Shares created under this Act in lieu thereof.

VIII. And whereas the Sum of Ten Pounds has been paid in respect of each of the Shares created under the recited Act, and Profits amounting to Six Pounds Ten Shillings and upwards, in respect of each such Share, have been created and expended (in addition to any Sum of Money which has been divided amongst the Proprietors of such Shares) in the Extension of the Works of the Company; be it therefore enacted, That every Person possessed of a Share of Ten Pounds created under the recited Act shall be entitled in lieu thereof to a Share of the Amount of Sixteen Pounds and Ten Shillings created by this Act, without making any further Payment in respect of the same.

Creation of new Shares.

IX. And be it enacted, That the Company may create such Number of new Shares of the Amount of Sixteen Pounds and Ten Shillings each as they may find necessary for the Purpose of completing the additional Capital by this Act authorized to be raised, and such Shares shall be issued to the then Shareholders of the Company, or to such other Persons as the Company shall think proper.

Shares to be Personal Estate.

X. 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.

XI. And be it enacted, That every Person who shall possess One Share or upwards in the Capital of the Company shall be deemed a Shareholder of the Company.

Registry of Shareholders.

XII. 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 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.

XIII. 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 shall from Time to Time be entered 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 Book *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.

XIV. And be it enacted, That on the Demand of the Holder of any Share the Company shall cause a Certificate of the Proprietor-

ship 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.

Certificates to be Evidence.

XV. And be it enacted, That all Certificates of Shares and Transfers thereof duly registered under this Act, and also any new Certificate to be made out in lieu of the original Certificate as herein-after mentioned, and all Copies of the Register of such Certificates and Transfers duly authenticated by the Signature of the Clerk of the Company, shall respectively 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.

XVI. 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 Committee, such Committee 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 Clerk in the Register of 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.

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

Transfer not to be made until Calls paid.

XVIII. 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.

XIX. And be it enacted, That the Committee may close the Register of Transfers for a Period not exceeding Twenty-eight 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.

XX. 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 Share of the Profits of the said Undertaking, nor to vote in respect of any such Share as the Holder thereof, until such Transmission shall have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Committee shall require; and every such Declaration shall state the Manner in which and the Party to whom such Shares 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 shall be left with the Clerk, 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 the Sum of Two Shillings and Sixpence.

Proof of Transmission by Marriage, Will, &c.

XXI. 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 Clerk, and upon such Production in either of the Cases aforesaid the Clerk shall make an Entry of the Declaration in the said Register of Transfers.

Company not accountable for Validity of Transfer or Title.

XXII. 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 or 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.

XXIII. 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.

XXIV. 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.

XXV. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether expressed, 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.

XXVI. And be it enacted, That the Company may from Time to Time make such Calls of Money upon the respective Holders of any new Shares created by virtue of this Act, in respect of the Amount of additional Capital respectively subscribed or owing by them, as the Company shall think fit, provided that Fourteen Days Notice at the least be given of each Call, and that no Call exceed the Amount of Two Pounds *per* Share, and that successive Calls be not made at less than the Interval of Three Months; 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.

XXVII. 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.

XXVIII. 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

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.

XXIX. 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 shall have been payable.

Declaration in Action for Calls.

XXX. 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.

Matter to be proved in Action for Calls.

XXXI. 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 Committee 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 Two Pounds *per* Share, or that due Notice of such Call was not given, or that the Interval of Three Months between Two successive Calls had not elapsed.

Proof of Proprietorship.

XXXII. 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.

XXXIII. 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 Committee, at any Time after the Expiration of Three 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.

XXXIV. And be it enacted, That before declaring any Share forfeited the Committee shall cause Notice of such Intention to be left at

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 Committee to have become transmitted otherwise than by a 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 Committee, the Committee 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 Committee shall make such Declaration of Forfeiture.

to be given before Declaration thereof.

XXXV. 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 at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of; and after such Confirmation the Committee 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.

Forfeiture to be confirmed by a General Meeting.

Sale of forfeited Shares.

XXXVI. 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.

Evidence as to Forfeiture of Shares.

XXXVII. 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

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

of any such forfeited Share be more than sufficient to pay all Arrears of Calls, and the 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.

XXXVIII. 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.

XXXIX. And 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.

XL. And be it enacted, That if any Execution, either at Law or in Equity, shall have been issued, taken out, or used 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 giving 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.

XLI. 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 Committee out of the Funds of the Company.

Power to borrow Money.

XLII. And be it enacted, That after the whole Sum authorized by this Act to be raised by Shares shall have been subscribed for, and One Half of the entire 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 Fifteen thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Lands or Buildings of the Company, or the Rents and Profits of the said Undertaking, or the future Calls on the Shareholders of the Company, or give Bonds, in manner herein-after mentioned.

XLIII. And

Re-borrowing.

XLIII. And be it enacted, That if the Company pay off any Portion of the Money to be borrowed under the Authority of this Act, it shall be lawful for them again to borrow the Amount 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.

XLIV. And be it enacted, That the Certificate of a Justice that the whole Sum authorized by this Act to be raised by Shares shall have been subscribed for, and one Half of the entire Capital of the Company 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 Committee or by the Clerk 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 the Books of the Company, or of such other Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid.

Mortgages and Bonds.

XLV. 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 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 as to Rents and Profits.

XLVI. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Rents, Sums, and Premises comprised in such Mortgage, or 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 Call notwithstanding Mortgage.

XLVII. 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.

XLVIII. 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 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

of the Meeting at which the same was authorized, or otherwise however.

Register of Mortgages and Bonds.

XLIX. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the Clerk, 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.

L. And be it enacted, That from Time to Time any Party entitled to any Mortgage or Bond may transfer his Right and Interest therein to any other Person by Deed 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.

LI. 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 Clerk, and thereupon the Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Bond; 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 Two Shillings and Sixpence.

Payment of Interest on Loans.

LII. And be it enacted, That the Interest of the Money borrowed upon any 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.

LIII. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferable except by a Deed duly stamped.

Repayment of Money borrowed at a Time fixed.

LIV. 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

LV. 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

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 Clerk, 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.

where no Time fixed.

LVI. 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, 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.

For enforcing Payment of Arrears of Interest on Mortgages and Bonds.

LVII. 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 Two thousand Pounds he may alone, or if his Debt does not amount to the Sum of Two 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 Two thousand Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Principal and Interest.

LVIII. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices; 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 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 Rents or Sums aforesaid, be fully paid; and upon such Appointment being made all such

Appointment of Receiver.

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 and Interest and Costs, have been so received, the Power of such Receiver shall cease.

Mortgagees not to vote.

LIX. 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 and Bond Creditors.

LX. 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.

LXI. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum of Fifteen thousand Pounds so authorized to be borrowed as aforesaid, 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.

LXII. 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.

Application of Capital.

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

Ordinary Meetings to be held yearly.

LXIV. 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 in the Month of *August* next after the passing of this Act, and the future General Annual Meetings of the Shareholders shall be held in the Month of *August* in each Year; and

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 Town of *Bolton*.

Business at Ordinary Meetings.

LXV. 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 or Letter convening such Meeting.

Extraordinary Meetings.

LXVI. 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 Committee at such Times as they may think fit.

Business at Extraordinary Meetings.

LXVII. 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 convened by Shareholders.

LXVIII. And be it enacted, That it shall be lawful for Five or more Shareholders, holding in the aggregate Shares of the nominal Value of Two thousand Pounds, by Writing under their Hands, at any Time to require the Committee 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 of the Committee, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Committee shall convene a Meeting of the Shareholders, and if for Ten Days after such Notice the Committee fail to call such Meeting, the said Number of Shareholders, qualified as aforesaid, may call such Meeting by giving Ten Days public Notice thereof.

Notice of Meetings.

LXIX. And be it enacted, That Ten Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement, or by Letter sent through the Post Office to each of the Shareholders, 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.

LXX. And be it enacted, That in order to constitute a Meeting (whether ordinary or extraordinary) there shall be present Five or more Shareholders, holding in the aggregate Shares amounting to the nominal Value of Two 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

held to be adjourned *sine die* (except as is herein-after provided to the contrary).

Chairman at General Meetings.

LXXI. And be it enacted, That at every Meeting of the Company One of the Committee, or in the Absence of all the Committee One of the Shareholders then present, shall be elected to preside as Chairman.

Adjourned Meetings.

LXXII. 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.

LXXIII. And be it enacted, That at all Meetings of the Company every Shareholder shall have One Vote in respect of each Share of the nominal Value of Sixteen Pounds and Ten Shillings not exceeding Ten Shares, and One Vote for every additional Five Shares above Ten and not exceeding Fifty Shares, and One Vote for every additional Ten Shares from Fifty to One hundred, and no Person shall vote in respect of more than One hundred Shares in his own Right: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then due upon the Shares held by him, nor in respect of any Share until One Half at least of the Amount of such Share shall have been paid up.

Manner of voting.

LXXIV. 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.

LXXV. And be it enacted, That no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been delivered to the Clerk of the Company Three clear Days before the holding of the Meeting at which such Proxy is to be used, or shall have been transmitted by Post directed to the Clerk of the Company within such Period as to admit of its being delivered in the due Course of Delivery Three clear Days before the holding of the same Meeting; and that no Person shall at any Meeting be entitled to vote as a Proxy in respect of more than One hundred Shares.

Votes of Joint Shareholders.

LXXVI. And be it enacted, That if several Persons be jointly entitled to a Share the Person whose Name stands first in the Register of Shareholders as one of the Holders of such Share shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor

prietor 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, &c.

LXXVII. 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.

Appointment of Committee.

LXXVIII. And be it enacted, That the Number of the Committee shall be Nine, and that the several Persons being at the Time of the passing of this Act Members of the Committee under the recited Act shall be the first Members of the Committee.

Election of Committee.

LXXIX. And be it enacted, That at the First Meeting of the Company to be held after the passing of this Act, and at the Ordinary Meeting to be held in the Year One thousand eight hundred and forty-four, and at every subsequent Ordinary Meeting, or at some Adjournment thereof, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Committee then retiring from Office, agreeably to the Provisions herein-after contained; and the several Persons elected at such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Members of the Committee until others are elected in their Stead as herein-after mentioned.

Qualifications of Committee Men.

LXXX. And be it enacted, That no Person shall be capable of being a Member of the Committee unless he be a Shareholder possessed of Five Shares at the least; 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 on the Committee; and that no Member of the Committee 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 Member of the Committee.

Failure of Meeting for Election of Committee.

LXXXI. And in order to provide for the Accident of a sufficient Number of Shareholders not being present at any Meeting at which Members of the Committee are to be elected, be it enacted, That if at any Meeting at which an Election of Members of the Committee ought to take place Five Shareholders holding in the aggregate Shares amounting to the nominal Value of Two thousand Pounds shall not be present within One Hour from the Hour appointed for the Meeting, no Election of new Members or Re-election of existing Members 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, except such following Day be *Sunday*, and then on the *Monday* following, 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 Time appointed for the Meeting, the existing Members of the Committee shall continue to act and retain their Powers until new Members be appointed at the Ordinary Meeting in the following Year.

Rotation of Committee.

LXXXII. And be it enacted, That the Committee appointed by this Act shall retire from Office at the first Ordinary Meeting to be held after the passing of this Act, when their Places shall be supplied by an equal Number of Shareholders to be appointed at such Meeting; and at the Ordinary Meeting in every subsequent Year, or at any Adjournment thereof, the Committee then in Office shall go out of Office and cease to be Members of such Committee, and their Places at each such Meeting shall be supplied in like Manner; nevertheless, every Member retiring from Office in any of the Cases provided by this Act may be re-elected immediately or at any future Time.

Cases in which Office of Member of Committee shall become vacant.

LXXXIII. And be it enacted, That if any Member of the Committee shall at any Time subsequently to his Election accept or continue to hold any other Office of Trust or Place of 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 Member at any Time cease to be a Holder of Shares to the Amount hereinbefore directed in the Company, then in any of the Cases aforesaid the Office of such Member shall become vacant, and thenceforth the Person in respect of whom the Office of Member shall so have become vacant shall cease from voting or acting as a Member of the Committee.

Occasional Vacancies in Office of Member of Committee to be supplied.

LXXXIV. And be it enacted, That if any Member of the Committee die or resign, or become disqualified or incompetent to act as a Member, or cease to be a Member by any other Cause than that of going out of Office as aforesaid, the remaining Members of the Committee, if they think proper so to do, may elect in his Place some other Shareholder, duly qualified, to be a Member of the Committee; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Member of the Committee 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 Committee.

LXXXV. And with respect to the Exercise of the Powers of the Company, be it enacted, That the Committee 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 Committee,

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

They may fix the Salaries of all Officers, except the Salaries of the Clerk and 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 any Works of the Company, and for all other Matters necessary for the Transaction of its Affairs;

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

They may fix the Rents or Charges to be taken or made by 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 Committee prior to any Resolution passed by such General Meeting.

Powers of the Company not to be exercised by the Committee.

LXXXVI. And be it enacted, That the following Powers of the Company, (that is to say,) the Choice and Removal of any Member of the Committee except as herein-before otherwise provided, the Appointment and Removal of the Treasurer and Clerk, and the Determination as to the Remuneration of such Treasurer and Clerk, the Determination as to the borrowing of Money on Mortgage or Bond, the Determination as to the Augmentation of Capital, and the Declaration of Dividends, shall be exercised only at a General Meeting of the Company.

Meetings of Committee.

LXXXVII. And be it enacted, That the Committee shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn as they think proper from Time to Time and from Place to Place; and at any Time any Two or more of the Committee may call a Meeting of the Committee; and in order to constitute a Meeting of the Committee there shall be present at the least Three of the Committee, and all Questions, Matters, and Things considered at any such Meeting shall be determined by the Majority of Votes; and no Member of the Committee, except the Chairman, shall have more than One Vote at any such Meeting, and if there be an equal Division of Votes upon any Subject entertained by such Meeting, the Chairman, in addition to his Vote as One of the Committee, shall have a casting Vote as Chairman.

Chairman of Committee.

LXXXVIII. And be it enacted, That at any Meeting of the Committee the Members present shall choose some One of their Number to be Chairman of such Meeting.

LXXXIX. And

Contracts by Committee.

LXXXIX. And be it enacted, That the Power of the Committee to make Contracts on behalf of the Company may be lawfully 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, such Committee 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 such Committee may make such Contract on behalf of the Company in Writing, signed by such Committee or any Three of them, 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, such Committee 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.

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

XC. And be it enacted, That the Committee shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Committee, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the Company and of the Committee, 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 Committee; 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 Members of the Committee, 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 Members not to invalidate Proceedings.

XCI. And be it enacted, That all Acts done by any Meeting of the Committee, or by any Person acting as a Member thereof, 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 Member, or acting as aforesaid, or that such Person was disqualified,

disqualified, be as valid as if such Person had been duly appointed and was qualified to be a Member.

Indemnity of Committee.

XCII. And be it enacted, That no Member of the Committee, by being Party to, or making, signing, or executing in his Capacity of Member, any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Committee, 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 Committee, or any of them, shall not be liable to Execution or 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 Members thereof; and the Committee, 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 Committee 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.

Remuneration of Committee.

XCIII. And be it enacted, That the Remuneration of the Committee shall from Time to Time be fixed by a General Meeting of the Company.

Company to appoint Clerk and Treasurer.

XCIV. And be it enacted, That at the first General Meeting, or some Adjournment thereof, the Company shall elect a Treasurer, and at any subsequent General Meeting the Company may remove from Office any Clerk or Treasurer; and if any Clerk or Treasurer of the Company shall die or resign or be removed, another Clerk or Treasurer shall be elected in his Place at the next Ordinary Meeting; and from Time to Time any such Meeting may fix the Salary or other Emoluments to be allowed to such Clerk or Treasurer respectively, as they may think proper.

Suspension of Clerk or Treasurer.

XCV. And be it enacted, That the Committee may at any Time suspend either the Clerk or the Treasurer from his Office, and may appoint some Person temporarily to fill the Office of the Clerk or Treasurer so suspended, 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 Clerk or Treasurer so suspended, and of electing a new Clerk or Treasurer, as the Case may require.

In case of Death, &c. of Clerk or Treasurer.

XCVI. And be it enacted, That in case of the Death or Resignation of any Clerk or Treasurer the Committee may appoint some Person to fill the Office of Clerk or Treasurer so vacant, with such Salary as they shall think fit, until the next Ordinary Meeting of the Company.

Separation of Offices of Clerk and Treasurer.

XCVII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk 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 Clerk; 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,)

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

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk 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 Clerk, or act as Deputy of the Clerk, or in any Manner officiate for the Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Company other than that of Clerk or Treasurer, 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.

XCVIII. 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 Committee shall take sufficient Security from him for the faithful Execution of his Office.

Officers to account on demand.

XCIX. And be it enacted, That every Officer or Person employed by the Company shall from Time to Time when required by the Committee 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 for such Payments; and every such Officer shall pay to the Committee, 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.

C. 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 Committee, 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 to 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.

CI. 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.

CII. 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 by the Committee, 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.

CIII. And be it enacted, That the Books of the Company shall be brought to a Balance Seven Days at least before each Ordinary Meeting up to the Thirtieth Day of *June* immediately preceding; 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 Year; and previously to each Ordinary Meeting such Balance

Balance Sheet shall be examined by the Committee or any Three of their Number.

Inspection of Accounts by Shareholders at stated Times.

CIV. And be it enacted, That the Books so balanced, together with such Balance Sheet as aforesaid, shall for Seven 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 Committee.

Balance Sheet to be produced.

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

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

CVI. And be it enacted, That the Company shall every Year cause an annual Account in Abstract to be prepared of the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirtieth Day of *June* 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 Committee or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the Borough of *Bolton*, 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 Company shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Declaration of Dividends.

CVII. And be it enacted, That previously to every Ordinary Meeting the Committee shall cause a Scheme to be prepared, showing the Profits, if any, of the Company for the last preceding Year, and apportioning the same among the Shareholders according to the Shares held by them respectively, providing for the paying Dividends not exceeding the Rate of Ten Pounds *per Centum per Annum* on each of the Shares given in lieu of the Shares existing at the Time of the passing of this Act, and not exceeding the Rate of Ten Pounds *per Centum per Annum* on the Amount received, as Calls and Stocks represented by the new or additional Shares created by virtue of this Act, unless a larger Dividend shall at any Time be necessary to make up the Deficiency of any previous Dividend, when such previous Dividend shall have fallen short of Ten Pounds *per Centum per Annum* upon each of such Shares given in lieu of the said existing Shares, and of Ten Pounds *per Centum per Annum* upon Stock subscribed under the Authority of this Act, and paid up for the Purpose of the said Undertaking; and the Committee shall exhibit

exhibit such Scheme at such Ordinary Meeting, and at such Meeting a Dividend may be declared according to such Scheme.

Dividend not to reduce Capital.

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

Funds for Contingencies.

CIX. And be it enacted, That if the clear Profits of the said Undertaking, after Payment of all 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 Company of the Dividends hereby authorized to be paid in respect of each Share in the said Undertaking, the Excess beyond the Sum which may be necessary for the Purposes aforesaid shall accumulate 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 Company, or to meet any extraordinary Claim or Demand which may at any Time arise against the Company, or for the further Improvement of their Works.

Providing for Reduction of Price of Gas.

CX. And be it enacted, That when and so soon as such Fund shall, by Accumulation or otherwise, amount to the Sum of Five thousand Pounds an Account of the said contingent Fund, and of the Receipts, Expenditure, and Profits of the Company, shall be laid before the Court of Quarter Session of the Peace for the Borough of *Bolton*, and be filed with the Clerk of the Peace of the said Borough; and if it shall thereupon appear to such Court that the Profits of the Company for the preceding Year shall have exceeded the Sum herein-before authorized to be divided amongst the several Proprietors of Shares in the said Undertaking, the Company shall make such a rateable Reduction in the Rents and Prices of Gas to be furnished by the Company for the then current Year as the Company may deem prudent, or as in the Judgment of the said Court shall be proper, until by the Expenditure and Payments of the Company the contingent Fund shall have been reduced below the said Sum of Five thousand Pounds, when the Price of the Gas may, if necessary, be again raised, and so from Time to Time as often as such Event shall happen.

Dividend not to be paid unless all Calls paid.

CXI. 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 have been payable shall have been paid.

Appointment of Auditor.

CXII. And be it enacted, That the Recorder for the Time being of the Borough of *Bolton* shall annually appoint an Auditor for the Purpose of auditing the said Accounts of the Company; and in case the Office of such Auditor shall, before such Accounts have been audited by him, be vacant by Death or from any other Cause, the said Recorder shall from Time to Time appoint an Auditor to supply such Vacancy.

Duty of Auditor.

CXIII. And be it enacted, That it shall be the Duty of such Auditor annually to audit the said Accounts of the Company, and to receive from the Committee the Balance Sheet required to be presented to the Shareholders, and to examine the same.

Powers of Auditor.

CXIV. And be it enacted, That for the above Purposes such Auditor may examine the Accounts of the Company at any Time during Fourteen Days previous to each Ordinary Meeting, and may 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 Committee, at the Ordinary Meeting.

Delivery of Balance Sheet to Auditor.

CXV. And be it enacted, That the Committee shall deliver to such Auditor the said Balance Sheet Fourteen Days at the least before the ensuing Ordinary Meeting at which the same is required to be produced to the Shareholders.

Remuneration of Auditor.

CXVI. And be it enacted, That the Remuneration of such Auditor for each such annual Audit shall not exceed the Rate of Two Guineas *per* Day, nor the Sum of Four Guineas in the whole, and the same shall be paid to him by the Company.

Power to make Bye Laws for the Officers of the Company.

CXVII. And with respect to the Power of the Company to make Bye Laws, be it enacted, That it shall be lawful for the Company from Time to Time to make such Bye Laws as they think fit, for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws and make others, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have effect, or to the Provisions of this Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company.

Fines for Breach of such Bye Laws.

CXVIII. And be it enacted, That the Company may impose such reasonable Fines and Forfeitures upon all Persons, being Officers or Servants of the Company, offending against such Bye Laws, as the Company think fit, not exceeding Five Pounds for any One Offence, and such Fines and Forfeitures may be recovered in the Manner herein-after provided.

Evidence of Bye Laws.

CXIX. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such last-mentioned Bye Laws in all Cases of Prosecution under the same.

Service of Notices upon the Company.

CXX. 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,

Company, may be served by the same being given personally to the Clerk 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 Clerk, or in case there be no Clerk, or the Place of Abode of the Clerk respectively shall not be found, then by being given to any One Member of the Committee of the Company, or by being delivered to some Inmate of the Place of Abode of any such Member.

Service by Company on Shareholders.

CXXI. 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.

Notice by Advertisement.

CXXII. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper shall be advertised in some Newspaper published or circulated in the said Town of *Bolton*, if any such there be, and if not, then in some other Newspaper published or circulated within the said County of *Lancaster*.

Authentication of Notices.

CXXIII. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by One Member of the Committee, or by the Treasurer or the Clerk 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.

CXXIV. 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 Members of the Committee, and every such Release or Discharge under the Hands and Seals of Two of the Members shall be as effectual for the Purpose aforesaid as if made under the Common Seal of the Company.

Proof of Debts in Bankruptcy.

CXXV. And be enacted, That if any Person against whom the Company shall 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 Clerk, Treasurer, or Manager of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against 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 Clerk, Treasurer, or Manager, and not of the Company.

CXXVI. And

Tender of Amends.

CXXVI. And with respect to Actions brought in respect of any Proceeding 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.

CXXVII. And be it enacted, That in addition to the Lands purchased or taken under the Authority of the recited Act, it shall be lawful for the Company to agree with the Owners of any Lands which they may think requisite or proper for the Purposes of the said Undertaking for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, not exceeding in the whole, in addition to the Lands so already purchased and taken, Twenty Statute Acres, 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.

CXXVIII. 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 Cestuisque 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.

Consideration to be a gross Sum.

CXXIX. 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.

CXXX. 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 by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

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

CXXXI. 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, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation 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.

Purchase of Lands, or Leases for Years, or Chief Rents.

CXXXII. And be it enacted, That if any Person seised in Fee of, or entitled to dispose of absolutely for his own Benefit, any Lands authorized to be purchased for the Purposes of this Act, shall be willing to sell such Lands for a perpetual annual Rent-charge in lieu of a Sum in gross, or shall be willing to demise and lease such Lands for the Term of Three hundred Years, or for any other Term or Number of Years, such Person may lawfully sell and convey such Lands or any Part thereof or may lawfully demise and lease such Lands or any Part thereof, for the Term of Three hundred Years, or for any other Term or Number of Years, unto the Company, in consideration of an annual Rent-charge or Rent payable by the Company to the Person so selling and conveying, or demising and leasing, and to his Heirs and Assigns.

Payment of Rents of Lands charged on Rents for Gas.

CXXXIII. And be it enacted, That the yearly Rent reserved by any such Conveyance, Demise, and Lease shall be charged on the Rents or Sums of Money payable for Gas under this Act, and shall from Time to Time be paid by the Company as such yearly Rent becomes

becomes payable; and if at any Time any such yearly Rent be not paid within Thirty Days after it so become payable, and after Demand thereof in Writing, the Person to whom any such yearly Rent shall be payable may either recover the same from the Company, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the Company.

Form of Conveyances and Leases.

CXXXIV. And be it enacted, That all Conveyances of Land so to be purchased as aforesaid may be according to the Form in the Schedules (G.) and (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 to 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; and all Demises and Leases of Land so to be demised and leased as aforesaid may be according to the Form in Schedule (I.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit.

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

CXXXV. 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 Chancery, to be placed to his Account there *ex parte* "The *Bolton* Gas Light and Coke Company," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited,*

12 G. 1. c. 32.

12 G. 2. c. 24.

out

out of the common and general Cash in the Bank of England *belonging to the Suitors of the said Courts, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General 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,)

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 Chancery shall direct; or

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

Order for Application.

CXXXVI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery 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.

Sums from 20*l.* to 200*l.* to be deposited or invested in Trustees.

CXXXVII. 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 in 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

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.

CXXXVIII. 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, Infancy, 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 Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

CXXXIX. Provided always, and be it enacted, That where any such Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in 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 Chancery, 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 to be deemed the Owner.

CXL. 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.

CXLI. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery 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 or of the taking or using 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 Investment of such Monies in Government or Real Securities, and of the Re-investment thereof,

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 the 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 wherein 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.

CXLII. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Company under the Provisions of this or the recited Act, but which shall not be required for the Purposes of this Act, 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.

Effect of Word "grant" in Conveyances.

CXLIII. And be it enacted, That in every Conveyance of Lands to be made by the Company under this Act the Word "grant" shall operate as express Covenants by the Company, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances created by the Company:

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns (as the Case may be), by the Company or their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought

by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Company empowered to construct Gas Works, &c.

CXLIV. 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 Retorts, Gasometers, Receivers, and Buildings, Cisterns, Engines, Machines, and other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, Machinery, and other Works, and also such Houses and Buildings upon the Lands hereby authorized to be held, purchased, and leased by the Company, and to do all other Acts necessary and convenient, as they shall think proper, for supplying the Inhabitants within the Limits of this Act with Gas, and for the other Purposes authorized by the Act.

Company empowered to lay Pipes for lighting Buildings.

CXLV. And be it enacted, That it shall be lawful for the Company to lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipes into, through, or against any Building for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Pipes not to be laid in Buildings without Consent.

CXLVI. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the Company to carry or lay any Pipe into, over, through, or against any Lands or Buildings, or to continue the same, without the Consent of the Owner and Occupier of such Lands or Buildings into, over, through, or against which any such Pipe may be carried or laid.

Power to break up Streets, &c.

CXLVII. And be it enacted, That it shall be lawful for the Company to lay down, alter, repair, continue, or remove, in or under any Street within the Limits of this Act, any Pipes and other Works of the Company, and to erect or place on or in any such Street any Post, Pillar, Lamp Iron, or other Apparatus, and to alter the Position of and repair the same, for the Purpose of supplying the Inhabitants within the same, with Gas, and also to make any Sewers or Cuts for the Purpose of carrying off the Washings and Waste Liquids which may arise in the Prosecution of the Works aforesaid, and for that Purpose to break up or open the Pavement or Soil of any such Street, 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: Provided always, that the Provision herein-before contained shall not be construed to enable the Company to break into any public Sewer for the Purpose of laying any Pipe in the same.

Notice to be served before breaking up Streets.

CXLVIII. And be it enacted, That before any Street shall be opened or broken up by the Company for the Purpose of laying any Main Pipe, they shall give to the Persons under whose Control or Management such Street may be Notice of their Intention to open

open or break up the same Two Days before the Commencement of such Operation, except in Cases of Emergency arising from Defects in any of the Pipes or other Apparatus, and then so soon after the Commencement of the Operation as may be practicable.

Streets to be broken up under Superintendence.

CXLIX. And be it enacted, That, except as aforesaid, 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, or left at his usual Place of Abode or Office of Business.

Public Sewers to be opened under Superintendence.

CL. 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.

CLI. 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 Operation.

Sewers to be reinstated.

CLII. 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.

In case of Neglect of Superintendence Company may break up Streets.

CLIII. And be it enacted, That if the Person having such Control or Management as aforesaid shall neglect or refuse to superintend the opening of any such Street, Sewer, or Drain, after having had Notice of the Company's Intention as aforesaid, or shall not propose any Plan for breaking up or opening the same, the Company may perform the Work specified in such Notice without the Superintendence of such Person.

Streets broken up to be reinstated without Delay.

CLIV. And be it enacted, That when the Pavement or Soil of any Street, or of any Sewer or Drain, 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, Sewer or Drain, 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

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 opening Streets without Notice, or Delay in reinstating the Street.

CLV. And be it enacted, That if the Company shall open or break up any Street, Sewer, or Drain, without giving such Notice as aforesaid, or shall break up any Street, Sewer, or Drain in any other Manner than such as shall be agreed upon or determined as aforesaid, except in the Cases in which the Company are hereby authorized to perform such Works without any Superintendence or Notice, or if the Company shall wilfully 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 they shall forfeit an additional Sum of Forty Shillings for every Day that any such Delay as aforesaid shall continue after the Expiration of Twenty-four Hours from the Time when such Delay shall have commenced.

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

CLVI. 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, Sewer, or Drain 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 or Management of the Street, Sewer, or Drain for the Purposes of the same.

Power of the Company to contract for lighting the Streets, &c.

CLVII. And be it enacted, That it shall be lawful for the Company or their Committee from Time to Time to enter into or make any Contract or Agreement with any Person whomsoever for lighting and supplying with Gas any public or private Building, or for providing any Person with Pipes, Burners, Meters, Lamps, Glass, and Repairs thereof, in such Manner and upon such Terms as shall be agreed upon between the Company and such Persons, and also from Time to Time to enter into or make any Contract or Agreement with the Trustees, Surveyors, or Persons having the Control or Management of the several Turnpike Roads, Streets, Highways, Bridges, and other public Passages and Places, or any of them, within the Limits of this Act, for lighting and supplying the same or any of them with Gas, or for providing the same with Lamp Pillars and Posts, Lamp Brackets, Lamp Pipes, Burners, Glass, and Repairs thereof, in such Manner and upon such Terms as shall be agreed upon between the Company and the respective Trustees, Surveyors, or other Persons; and it shall be lawful for such Trustees, and also for such Surveyors, with the Consent of the Inhabitants in Vestry assembled of the Township or Place in which such Streets, Highways, Bridges, and other public Passages and Places shall be situate, and for such

other Persons as aforesaid, to contract and agree with the Company for the Purposes aforesaid, and to pay out of any Money under their Control such Sums of Money as shall have been agreed to be paid to the Company for the Purposes aforesaid.

Company to provide Lights at certain Places in Great and Little Bolton.

CLVIII. And be it enacted, That the Company shall at their own Expence supply Gas for Light, equal to Four common Street Gas Lights, at and in each of the several Lamps following; that is to say, a Lamp, provided by the Trustees of *Great Bolton* aforesaid, upon the Pillar in the *Old Market Place*, another Lamp, provided by the same Trustees, upon the Pillar of the *New Market Place*, and another Lamp, to be provided by the Trustees of the Township of *Little Bolton*, in such Situation as the said last-mentioned Trustees shall appoint; and the said Lamps shall be lighted and continued lighted at all Times that public Street Lamps are usually lighted in the said Borough, and shall be lighted and extinguished by the Persons for the Time being having the Care of lighting and extinguishing the other public Street Lamps at and in the said Market Places and Situation respectively.

Power to take away Pipes, &c. when Gas discontinued.

CLIX. Provided always, and be it enacted, That in all Cases where it shall be lawful for the Company to cut off and take away the Supply of Gas from any House or Building or Premises under the Provisions of this Act, it shall be lawful for the Company, their Agents and Workmen, upon giving Twenty-four Hours previous Notice to the Occupier, to enter into any such House, Building, or Premises between the Hours of Nine in the Forenoon and Four in the Afternoon, and to remove, take, and carry away any Pipe, Meter, Cock, Branch, or Apparatus, the Property of and belonging to the Company, and also for the Purpose of repairing and making good any such House, Building, and Premises where such Pipe or Apparatus shall have been introduced.

Recovery of Rents.

CLX. And be it enacted, That if any Persons supplied with Gas by the Company shall neglect to pay any Rent or Charge due to them at any of the Times of Payment thereof, it shall be lawful for the Company, or their Manager, or any Person acting under their Authority, to stop the Gas from entering the Premises of such Person by cutting off the Service Pipe to such Premises, or by such Means as the Company shall think fit, and to recover the Rent or Charge due from such Person, if less than Twenty Pounds, together with the Expences of cutting off the Gas and Costs of recovering the same Rent or Charge, 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 Rent or Charge so 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 the Gas, in any of the Superior Courts, by Action of Debt or on the Case.

Penalty for altering Meters.

CLXI. And be it enacted, That it shall be lawful for the Officer duly appointed for the Purpose by the Company, at seasonable Times, to enter every Building and Place in which there shall be any Meter for

for ascertaining the Quantity of Gas supplied by the Company, and to examine and inspect such Meter and the Pipe leading to the same, and if any such Meter or Pipe shall be fraudulently altered, the Person making use of such Meter or Pipe which shall be so altered shall for every such Offence forfeit and pay to the Company a Penalty not exceeding Ten Pounds.

Penalty for laying down Pipes without Consent of Company.

CLXII. And be it enacted, That if any Person shall lay or cause to be laid any Pipe to communicate with any Pipe belonging to the Company without the Consent of the Company, or shall, in case the Gas supplied by the Company shall not be ascertained by Meter, use any other Burner than such as shall be provided or approved of by the Company, or of larger Dimensions than he shall contract to pay for, or shall supply any Person with any Part of such Gas supplied to him by the Company, he shall forfeit to the Company the Sum of Five Pounds for every such Offence, and also the Sum of Forty Shillings a Day for every Day such Pipe shall so remain, or such Burner which shall not have been provided or approved of by the Company shall be used, or such Excess so committed, or such Supply furnished, and it shall be lawful for the Company also to take off the Gas from the House and Premises of the Person so offending, notwithstanding any Contract or Agreement which may have been previously entered into; and it shall be lawful for the Officer duly appointed for the Purpose by the Company, at seasonable Times, to enter and inspect every Building and Place lighted with Gas supplied by the Company without Meter.

Penalty for wilfully damaging Pipes, &c.

CLXIII. And be it enacted, That if any Person shall wilfully remove, destroy, or damage any Pipe, Pedestal, Post, Plug, Lamp, or other Apparatus or Thing belonging to the Company, or to any Person, or shall wilfully extinguish any of the public Lamps and Lights, or waste or improperly use any of the Gas supplied by the Company, he shall for each such Offence forfeit any Sum not exceeding Five Pounds, and pay to the Company, or to such Person, the Amount of the Damage done, as the same shall be ascertained by any Justice, such Penalty and Damage, together with reasonable Costs, to be levied by Distress.

Satisfaction for accidental Damage to Lamps, &c.

CLXIV. And be it enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any Pipe, Pedestal, or Lamp, hung out, set up, or belonging to the Company or any Person, or keep the Lights burning for a longer Time than he shall contract to pay for, and shall not, on Demand, make satisfaction to the Company or to such Person for the Damage done, or the Excess of Gas obtained and used, then it shall be lawful for any Justice to summon before him, or before any other Justice, the Person against whom such Complaint shall be preferred; and upon hearing the Allegations and Proofs on both Sides, or on Non-appearance of the Person so complained against, such Justice may award such Sum of Money by way of Satisfaction to the Company, or to such Person, (as the Case may require,) for such Damages or Excess as such Justice shall think reasonable; and in case of Neglect to pay any Sum so awarded within Three Days after Demand, it shall be lawful for such Justice

or any other Justice to cause the same to be raised and levied by Distress.

Penalty on Gas Makers for corrupting Water within the Limits of the Act.

CLXV. And be it enacted, That if the Company, or any Person making or supplying any 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 the Company or such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

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

CLXVI. 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 thereby: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Six 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.

CLXVII. 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 making or supplying Gas as aforesaid 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 the Company or such 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.

CLXVIII. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by the Company or any Person making or supplying any Gas within the Limits of this Act, the Company or such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping, and in case the Company or such 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 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.

CLXIX. And

For Protection of Water Pipes.

CLXIX. And be it enacted, That before the Company shall, for any of the Purposes of this Act, open any Ground in and upon which any Water Pipe shall have been laid for conveying Water for the Supply of any Building within the Limits of this Act, the Company shall give Three Days previous Notice thereof in Writing to the Proprietor or Person having the Control of such Water Pipe (except in Cases of Emergency arising from Defects in any of the Pipes or other Apparatus, and then so soon after as may be practicable), and shall, under the Inspection of such Proprietor or Person, protect such Water Pipe from any Injury or Damage, and shall repair and make good any Injury or Damage that may be done to any such Pipe on any such Occasion.

Penalty for Failure.

CLXX. And be it enacted, That if the Company shall fail to give such Notice, or to protect any such Water Pipe, or to repair or make good any Damage to the same in manner herein-before mentioned, they shall forfeit to the Proprietor or Person in respect of whom such Failure shall occur any Sum not exceeding Five Pounds, together with the Costs and Expences which shall have been incurred by such Proprietor or Person in protecting or in repairing or making good any Damage that may be done to any Pipe belonging to such Proprietor or Person.

Penalty on Gas Makers if Water contaminated.

CLXXI. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of the Company, or of any Person making or supplying Gas within the Limits of this Act, the Company or such 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.

CLXXII. And be it enacted, That if the Company or the 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 them or him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, the Company or 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.

CLXXIII. And whereas it may become a Question, upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the Company or any Person making or supplying Gas within the Limits of this Act; 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 Company or Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of the Company or such Person: Provided always, that before proceeding so to dig and examine Twelve Hours Notice shall be

be given to the Company or Person making or supplying such Gas of the Time at which such digging and Examination are intended to take place.

The Expences to abide the Result of the Examination.

CLXXIV. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to the Company or such Person, 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 making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of the Company or such 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 Company or the said Person any Injury which may be occasioned to the Works of the Company or such Person by such Examination.

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

CLXXV. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Company or Person making or supplying Gas, 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 making Gas may be indicted for Nuisance.

CLXXVI. Provided always, and be it enacted, That nothing in this Act contained shall prevent the Company or any 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 or he may be liable, in consequence of the making or supplying such Gas.

Provision for Damages not otherwise provided for.

CLXXVII. 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 specially provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices; and when by this Act any Damages 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 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, together with the Costs, shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

For ascertaining Compensation.

CLXXVIII. And for the Purpose of ascertaining and determining any such Charges or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before any Two Justices at a Time mentioned in such Summons; and at such Time, either on the Appearance or Default of the Party summoned

summoned to appear, the Justices may inquire into any such Charges or Damages, and determine the same.

Justices to examine Parties and Witnesses.

CLXXIX. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justices, it shall be lawful for such Justices 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 Justices; and if either Party to any such Question fail to appear at the Time and Place appointed for going into any such Question, without reasonable Excuse to the Satisfaction of such Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justices to proceed *ex parte*.

Distress against the Company.

CLXXX. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justices 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 Ten Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount may be recovered by Distress, and the Justices by whom such Sum of Money shall have been ordered to be paid, or any other Justices, on Application, shall issue their 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 Justices aforesaid, or any other Justices, on Application, shall issue their 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.

CLXXXI. 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.

CLXXXII. 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 such Particulars shall be renewed as often as the same, or any Part thereof, are 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.

CLXXXIII. And

Penalty for defacing Boards used for Publication of Penalties.

CLXXXIII. 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 Two or more Justices.

CLXXXIV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceedings before Two or more Justices, and on the Complaint being made to any 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 Two 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; 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 Two 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 Two or more Justices shall think fit.

Penalties to be levied by Distress.

CLXXXV. And be it enacted, That if 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, may be levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CLXXXVI. And be it enacted, That it shall be lawful for any Justice 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 Justice, for his Appearance before him 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 Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he 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 Justice, then such Justice shall, by Warrant, cause such Offender to be committed to Gaol, there

there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CLXXXVII. 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 Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Township in which the Offence shall have been committed, for the Benefit of the Poor of such Township.

Penalties to be sued for within Six Months.

CLXXXVIII. And be it enacted, That no Person 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.

CLXXXIX. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear as a Witness in any Matter in which any Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which any Justice shall have Jurisdiction by the Provisions of 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 any Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Form of Conviction.

CXC. And be it enacted, That the Justice 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 (K.) to this Act annexed.

Informalities.

CXCI. 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.

CXCII. 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 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.

CXCIII. And

Distress not unlawful for Want of Form.

CXCIII. 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.

CXCIV. 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 or Quarter Sessions for the County or Borough 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 thereon.

Court to make such Order as they may think reasonable.

CXCV. 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.

Costs.

Interpretation Clause.

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

The Word "Person" shall extend to Corporations, whether Aggregate or Sole;

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

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

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

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:

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

The Expressions "the Committee" and "the Clerk" shall mean the Committee and the Clerk respectively of such Company: And

The Expression "recited Act" shall mean the said Act of the First Year of the Reign of King *George* the Fourth.

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

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SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

"The Bolton Gas Light and Coke Company."

Number

THIS is to certify, That *A.B.* of is the Proprietor of the Share, Number of "The Bolton Gas Light and Coke 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] Number in the Undertaking called "The Bolton Gas Light and Coke 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 Bolton Gas Light and Coke Company."

Mortgage, Number £

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Bolton Gas Light and Coke Company," in consideration of the Sum of Pounds paid to us by *A.B.* of do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the Rents

Rents and Profits and all Sums of Money arising by virtue of the said Undertaking, [and (*in case such Loan shall be in anticipation of the Capital authorized to be raised*) all future Calls on Shareholders, *as the Case may be*,] 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 Bolton Gas Light and Coke Company."

Bond, Number £

By virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Bolton Gas Light and Coke 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 ,

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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 Bolton Gas Light and Coke Company" to bearing Date the Day of for securing the Sum of

of and Interest, [*or, if such Transfer be by Endorsement,* 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 Property thereby secured]. In witness whereof I have hereunto set my Hand and Seal this Day of One thousand eight hundred and .

SCHEDULE (F.)

Form of Proxy.

A. B. of one of the Proprietors of "The Bolton Gas Light and Coke 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 of the said Company to be held on the Day of next, and at any Adjournment of the said Meeting, 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, say,* the Common Seal of the Corporation] the Day of One thousand eight hundred and .

SCHEDULE (G.)

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 Chancery, ex parte "The Bolton Gas Light and Coke 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 [*here name the 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 thereto 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 .

SCHEDULE (H.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as hereinafter mentioned, by "The Bolton Gas Light and Coke Company," established and incorporated by virtue of an Act passed, *&c.*, intituled, *&c.*, 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 my Estate, Right, Title, and Interest in and to the same, and every Part thereof, to hold the said Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Company, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*] Portions, henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I hereunto set my Hand and Seal this Day of in the Year of our Lord .

SCHEDULE (I.)

Form of Lease for Years.

I of in consideration of the Rent to be paid to me, my Heirs and Assigns, as herein-after mentioned, by "The Bolton Gas Light and Coke Company," established and incorporated by virtue of an Act passed, *&c.*, intituled, *&c.*, do hereby demise and lease to the said Company, their Successors and Assigns, all [*describing the Premises to be demised*], together with all Ways, Rights, and Appurtenances thereunto belonging, to hold the said Premises to the said Company, their Successors and Assigns, for and during and unto the full End and Term of Years from the Day of the Date hereof, according to the true Intent and Meaning of the said Act, they the said Company, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*] Payments, during the said Term, on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I hereunto set my Hand and Seal this Day of in the Year of our Lord .

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SCHEDULE (K.)

Form of Conviction.

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before us, *C. D.* and *E. F.*, Two of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the Bolton Gas Act, 1843. Given under our Hands and Seals the Day and Year first above written.

C. D.
E. F.

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Printers to the Queen's most Excellent Majesty. 1843.
1