ANNO NONO

GEORGII IV. REGIS.

Cap. xxii.

An Act for lighting with Gas the Town of *Bury*, and the Neighbourhood thereof, in the Parish of *Bury* in the County Palatine of *Lancaster*.

[18th *April* 1828.]

WHEREAS the Township of *Bury*, and the Neighbourhood thereof, within the several Townships of *Elton* and *Heap*, all in the Parish of *Bury* in the County Palatine of *Lancaster*, are large and of considerable Extent and Population, and have lately much increased: And whereas the principal Streets within *Bury* aforesaid, called *Mill Gate* and *Bury Lane* (which appear as One continued Street), consist of Dwelling Houses, Shops, and other public Buildings, Part of which, in very irregular Boundaries, stand within the Township of *Bury*, and other Parts thereof within the Township of *Elton*, both within the Parish of *Bury* aforesaid; and there are many other Houses, public Buildings, and Manufactories within the said Township of *Elton*, contiguous to the said Township of *Bury*, and immediately adjoining thereto: And whereas the public Places, Roads, Streets, Ways, Lanes, and Passages within the said Township of *Bury* and that Part of the said Township of *Elton* immediately adjoining the Township of *Bury*, are wholly without public Lamps and Lights, with the Exception of a Lamp in the Market Place within *Bury* aforesaid; and it would be a great Advantage to all the Inhabitants of the said Townships of *Bury*, *Elton*, and *Heap*, and the Neighbourhood thereof, in the said Parish of

of *Bury*, and to all Persons travelling along the said Streets, Roads, and Places, if the said Townships of *Bury*, *Elton*, and *Heap*, and the Neighbourhood thereof, within the said Parish of *Bury*, as before mentioned, were lighted with Gas: And whereas Inflammable Air, Carburetted Hydrogen, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be produced from Coal and other Materials: And whereas the said Inflammable Air, Carburetted Hydrogen or Coal Gas, being conveyed by means of Pipes, may be used for lighting the several Streets, Highways, Squares, Courts, Yards, Passages, Bridges, Lanes, and other Places within the said Townships of *Bury*, *Elton*, and *Heap*, and the Neighbourhood thereof respectively, in the said Parish of *Bury*, within the Limits herein-after mentioned, and for lighting Shops, Inns, Taverns, private Houses, Warehouses, public Works, Manufactories, and other Buildings; and the said Coke may be usefully employed as Fuel; and the said Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be used and applied in various other Ways with great Advantage: And whereas the several Persons herein-after named are willing and desirous, at their own Costs and Charges, to effect the several beneficial Purposes aforesaid; but the same cannot be carried fully and completely into Execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 *James Andrews*, *Thomas Booth*, *John Bridge*, *Robert Brown*, *James Chadwick*, *Michael Chadwick*, *John Cross*, *Samuel Cross*, *Thomas Crompton* the younger, *John Clemishaw*, *John Grundy*, *Edmund Grundy*, *Samuel Grundy*, *Dennis Grundy*, *James Greenhalgh*, *Joseph Holt*, *John Hall*, *William Hall*, *John Haslam*, *Samuel Horrocks*, *Thomas Horrocks*, *Joseph Handley*, *Thomas Houghton*, *William Kay* of *Everton*, *Charles Kenyon*, *William Kay* of *Bury*, *Robert Kay*, *J. P. Kay*, *John Kay* Shopkeeper, *John Kay* Bookseller, *William Kenyon*, *Thomas Lockhead*, *Francis Mather*, *Joseph Mason*, *Joseph Newbold*, *David Newland*, *Samuel Openshaw*, *Charles Openshaw*, *John Openshaw*, *Laurence Rogers Openshaw*, *Jonathan Openshaw*, *Samuel Openshaw* the younger, *William Robinson*, *William Tarrey*, *Richard Walker*, *John Walker*, *Abraham Wood*, *James Wrigley*, *John Woolner*, *Joseph Taylor Woolner*, *Robert Wood*, *William Wilde*, *Robert Whittaker*, *James Whitehead*, and *Samuel Woodcock*, and all and every such other Person or Persons, or Body or Bodies Politic or Collegiate, as from Time to Time shall become a Subscriber or Subscribers, and be duly admitted a Proprietor or Proprietors, as herein-after mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be One Body Politic and Corporate, by the Name of "The *Bury* Gas Light and Coke Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm; and the said

Proprietors incorporated into a Company.

Their Style.

Company shall be established for the Purpose of producing inflammable Air, Carburetted Hydrogen, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and for lighting with Gas the said Townships of *Bury*, *Elton*, and *Heap*, and the Neighbourhood thereof, in the said Parish of *Bury*, within the Limits herein-after mentioned; and shall have full Power from Time to Time to make Contracts, or agree with any Commissioners, Directors, Trustees, Surveyors of Highways within the said Parish, or any Part or Parts thereof respectively, or with any other Person or Persons, or Body or Bodies Politic, Corporate, Collegiate, or Ecclesiastic, or Corporation or Corporations Aggregate or Sole, who may be willing and desirous to contract or agree with the said Company, for the lighting of the said Townships of *Bury*, *Elton*, and *Heap*, and the Neighbourhood thereof, in the said Parish of *Bury*, within the Limits herein-after mentioned, and each or any of them respectively, or of any public Streets, Highways, Roads, Squares, Market Places, Courts, Yards, Passages, Bridges, Lands, or public Buildings, Manufactories, and Shops, Inns, or private Houses, or other Erections or Buildings, of whatever Denomination the same may be, or any of them, in the said Townships of *Bury*, *Elton*, and *Heap*, and the Neighbourhood thereof, in the said Parish of *Bury*, within the herein-after mentioned Limits, or each or any of them; and to sell and dispose of such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and other Products as aforesaid.

Limits of this Act.

II. And be it further enacted, That the Powers and Provisions of this Act shall be deemed and construed to extend to a Distance of Three Miles, to be computed from the Centre of the Market Place within the said Town of *Bury*.

Company empowered to contract for the Purchase of Lands and Buildings.

III. And be it further enacted, That it shall be lawful for the said Company (or their Committee for the Time being), and they are hereby respectively empowered to treat, contract, and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said Townships of *Bury*, *Elton*, and *Heap*, or the Neighbourhood thereof, within the said Parish, for the Purposes of this Act, (not exceeding Three Statute Acres in the whole,) with any Body Politic, Corporate, Collegiate, or Ecclesiastic, or any Tenant or Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Trustees, Executors, Administrators, Administrators *durante minoritate*, Husbands, Guardians, or Committees of or for Lunatics or Idiots, or other Trustees whomsoever, or with any Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or with any other Person or Persons whomsoever, who shall be willing to sell the same, or his, her, or their Right and Interest in the same, for the Uses and Purposes of this Act; and upon Payment of the Purchase Money for any such Lands, Tenements, or Hereditaments, to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be), such Lands, Tenements, and Hereditaments may be taken and used for the Purposes of this Act; and from thenceforth all Parties and Persons whomsoever

whomsoever shall be divested of all Right and Title, Claim or Reversion, to such Lands, Tenements, or Hereditaments, and the same Lands, Tenements, and Hereditaments shall vest in the *Bury* Gas Light and Coke Company; and it shall be lawful for the said Company to hold any such Lands, Tenements, and Hereditaments, and any Term, Right, and Interest therein, so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever, and also at any Time or Times thereafter to sell or dispose of the said Lands, Tenements, or Hereditaments, or any of them, as they shall think proper, and from Time to Time to purchase and hold other Lands, Tenements, or Hereditaments more suitable for the Uses and Purposes of this Act, and again to sell the same in like Manner, so that such Lands and Grounds do not at any Time exceed Three Statute Acres in the whole in Measure.

Restraining the Company from purchasing more than Three Acres of Land from incapacitated Persons, &c.

IV. And whereas the said Company of Proprietors are enabled to purchase Three Statute Acres of Land by virtue of this Act for the Purposes thereof, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for and on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same, or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company of Proprietors to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Three Statute Acres; and in case the said Company should afterwards sell the Whole or any Part of such Three Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators,

Husbands,

Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or stead of those Three Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

Power to resell Lands not wanted.

V. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, and by Indenture or Indentures under their Common Seal to grant and convey by way of absolute Sale in Fee Simple, for a competent Consideration in Money, all or any Part or Parts of the Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall be lawful for the Treasurer (if only One, or, if more than One, for the Treasurers, who, if engaged in Partnership together, may sign in their Style or Firm by any one of such Firm) for the Time being to the said Company to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge to any Purchaser or Purchasers for the Money therein and thereby expressed or acknowledged to be received; and such Purchaser or Purchasers, having *bonâ fide* paid the same, and obtained such Receipt or Receipts for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

Bodies Politic, &c. empowered to sell.

VI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporation Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which the said Company are herein enabled to purchase as aforesaid for the Use and Purposes of this Act, to treat, contract, and agree with the said Company for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Company for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue of this Act shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, and without Enrolment, be good, valid, and effectual

to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail and other Estates, in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons, is and are and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Application of Purchase Money when amounting to 200*l.*

VII. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the *Bury* Gas Light and Coke Company, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King
1 G. 4. c. 35. *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Appro-

bation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Wills, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be purchased, taken, or used for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and exceeding 20*l.*

VIII. And be it further enacted, That if any Money so contracted or agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased for the Purposes aforesaid, and belonging to any Body Politic, Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy, or Lunacy (to be signified in Writing under their respective Hands), be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, and be placed to the Account aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved of by Three or more of the said Committee, (such Nomination and Approbation to be signified by Writing under the Hands of the nominating or approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When not exceeding 20*l.*

IX. And be it further enacted, That where such Money so contracted and agreed to be paid as before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands,

Lands, Tenements, or Hereditaments so to be purchased for the Purposes of this Act, in such Manner as the said Committee, or any Three or more of them, shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In Cases of doubtful Title, the Person in Possession to be deemed the Owner.

X. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some other Estate or Interest therein.

Expences of Purchases by whom to be paid.

XI. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or the Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by such Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

On Payment of Purchase Money, Premises to vest in the Company.

XII. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments, by the said Company, to the Party or Parties or Person or Persons respectively entitled to such Money, or their Agents, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein-before directed (as the Case may be), and upon the Conveyance in manner hereinafter directed of such Lands, Tenements, or Hereditaments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand,

Demand, in Law or Equity, of the Party and Parties and Person and Persons respectively to whom or for whose Use the same shall be paid, in, to, or out of such Lands, Tenements, and Hereditaments, shall vest in the said Company, and their Successors for ever, for effecting the Uses and Purposes of this Act.

XIII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Company and their Successors, shall be made in the Form or to the Effect following; (that is to say,)

Form of Conveyance.

'I [*or* We, *as the Case may be*] of in consideration of the Sum of paid to me [*or* us], or into the 'Bank of *England* [*as the Case may be*], by the *Bury* Gas Light and 'Coke Company, established under or by virtue of an Act passed in the 'Ninth Year of the Reign of King *George* the Fourth, intituled [*here 'insert the Title of this Act*], do hereby grant and release [*or* assign, '*as the Case may be*] to the said Company of Proprietors and their 'Successors all [*here describe the Premises to be conveyed*], and all 'my [*or* our] Right, Title, and Interest in and to the same and every 'Part thereof; to hold to the said Company of Proprietors and 'their Successors for ever [*or, as the Case may be*], during all the 'Remainder of my [*or* our] Term, Estate, and Interest in the said 'Premises. In witness whereof I [*or* we] have hereunto set my 'Hand and Seal [*or* our Hands and Seals] this Day 'of in the Year of our Lord One thousand eight hundred 'and .'

Joint Stock not to exceed 6,400*l.*

XIV. And be it further enacted, That the Capital or Joint Stock of the said Company, to be applied and used in establishing and carrying on the said Undertaking and the Purposes aforesaid, shall not exceed in the whole the Sum of Six thousand four hundred Pounds Sterling; and the said Sum of Six thousand four hundred Pounds shall be divided into Shares of Ten Pounds Sterling each.

Shares to be deemed Personal Estate.

XV. And be it further enacted, That the Shares in the said Undertaking, and the Net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

Subscribers to share the Stock in proportion to their Subscriptions.

XVI. And be it further enacted, That all and every Persons and Person by or for whom any Subscription shall be made or accepted, or any Payment made pursuant to the Orders of any General Meeting or Meetings to be held by the said Company for that Purpose, for or towards raising the said Capital Sum of Six thousand four hundred Pounds as aforesaid, his, her, or their Executors, Administrators, and Assigns respectively, (no such Subscription being less than Ten Pounds,) shall have and be entitled to a Share of and in the said Capital Joint Stock of the said Company, in proportion to the Monies which he, she, or they shall have so contributed towards making up the same, and shall have and be entitled to a proportionable Share of the Profits and Advantages attending the Capital Stock of the said Company, and shall be admitted to be a Proprietor or Proprietors of and in the same.

The whole of the Money to be subscribed before this Act is put in force.

XVII. And whereas the probable Expence of carrying the Purposes of this Act into Effect will, according to an Estimate thereof, amount to the Sum of Six thousand four hundred Pounds, or thereabouts, and nearly the whole Amount thereof hath been subscribed for defraying such Expences by several Persons, under a Contract binding them, their Heirs, Executors, and Administrators, for the Payment of the several Sums of Money so subscribed by them respectively; be it therefore enacted, That the whole of the said Sum of Six thousand four hundred Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Power to raise 3,000*l.* by Loan, or by creating new Shares.

XVIII. And be it further enacted, That in case the aforesaid Sum of Six thousand four hundred Pounds shall be found insufficient for the Purposes of this Act, then and in such Case it shall be lawful for the said Company from Time to Time to raise any further Sum or Sums of Money for completing the said Undertaking, not exceeding in the whole the Sum of Three thousand Pounds, by way of Loan on Security of the Property and Effects belonging to the said Company; and in case it shall at any Time or Times be deemed advisable by the said Company to raise any Part or Parts of the said further Sum of Three thousand Pounds by way of Loan, then it shall be lawful for the said Company, or their Committee for the Time being, by and with the Advice and Direction of any General Assembly of the said Company, to borrow and take up the same at Interest for the Use of the said Company, and thereupon to grant, execute, and deliver to or in favour of the Lenders thereof such Mortgages, Bonds, Obligations, or other Securities in Writing, as may be required, thereby binding the said Company, and the Estates, Stock in Trade thereof, for the Repayment of the said Sum or Sums of Money so borrowed, with Interest for the same.

Subscribers liable to the Debts of the Company in proportion to their Share of the Stock.

XIX. And be it further enacted, That the several Persons composing the said Company shall severally and respectively stand responsible and answerable for all just Debts and Demands of the Creditors of the said Company, to the full Amount of their several and respective Shares in the Capital of the said Joint Stock: Provided always, that whenever Two or more Persons shall have jointly subscribed for, or shall be jointly possessed of any one Share in the said Undertaking, such Persons shall severally and respectively be answerable for the whole Amount of such Share, but no further or otherwise, as aforesaid.

For enforcing Payment of Subscriptions.

XX. And be it further enacted, That the several Persons who have already subscribed for and towards the said Undertaking, and who shall at any Time hereafter have or hold any Share or Shares in the same, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed and to be subscribed for, or such Parts or Portions thereof as shall from Time to Time be called for pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the said Company or their Committee for the Time being; and in case any Person or Persons shall neglect or refuse to pay any such Money at such

Time or Times and in such Manner as shall be ordered and directed by the said Company or their Committee as aforesaid, it shall be lawful for the said Company to sue for and recover the same by Action of Debt, or otherwise, in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the appointed Time or Times of Payment, and full Costs of Suit, from such Person or Persons respectively; and in like Cases of Neglect or Refusal, where Two or more Persons shall have jointly subscribed for or be jointly possessed of One or more Share or Shares in the said Undertaking, then in like Manner to sue for and recover the same from all or any of such joint Subscribers.

Tickets of Shares to be delivered to the Proprietors.

XXI. And be it further enacted, That the said Company of Proprietors, or their Committee for the Time being, shall cause the Names and Designations of the several Persons who are at present and shall be hereafter Subscribers to or Proprietors of the said Undertaking, with the Number of Shares possessed by each of the Subscribers and Proprietors, and also the proper Number by which every Share is to be distinguished, to be distinctly entered in a Register Book to be kept by the Clerk to the said Company, to be appointed as herein-after mentioned; and after the making of such Entry, a Certificate, under the Common Seal of the said Company, shall be made out in respect of each and every Share in the said Undertaking, specifying therein the proper Number of such Share, and the Name and Designation of the Proprietor thereof, which Certificate shall be delivered to the Proprietor of such Share, upon Demand; and for every such Certificate such Proprietor shall pay to the Clerk of the said Company the Sum of Two Shillings and Sixpence, and no more, and shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, and Assigns, to the Share therein specified, but the Want of such Certificate shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof.

For ascertaining the Proprietorship of Shares in certain Cases.

XXII. And whereas in case any original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk or Clerks of the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to learn who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share or Shares, and to maintain any Action or Actions, Suit, or other Proceeding, against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original

original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than a Transfer or Conveyance thereof in the Form and Manner herein-after specified, an Affidavit shall be made and sworn to by Two credible Persons before a Master or Master Extraordinary of His Majesty's High Court of Chancery, or One of His Majesty's Justices of the Peace acting for the County Palatine of *Lancaster*, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company, to the Intent that he or they may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors to the said Undertaking, to be kept in the Office of the Clerk or Clerks of the said Company.

First and other General Meetings of Proprietors.

XXIII. And be it further enacted, That the said Company of Proprietors shall meet together at some convenient House or Place within the said Town of *Bury*, within One Calendar Month next after the passing of this Act, or as soon thereafter as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time, either to the same House or Place, or such other convenient House or Place in the said Town of *Bury* as the said Proprietors shall think proper; and the Second General Meeting of the said Company of Proprietors shall be held at such Time and at such Place as the said Company of Proprietors at their First General Assembly shall appoint; and the like General Assemblies shall be held on the Second *Thursday* in the Month of *April* in every Year for the future, at such Hour and Place or Places as the next preceding General Assembly shall appoint, at which Annual General Assemblies the Accounts of the said Company shall be produced for the Inspection of the Meeting; and also such and so many Special General Meetings of the said Proprietors shall be held as shall be called by the Committee of Management, or Proprietors, as herein-after provided; of which several General Meetings and Special General Meetings Ten Days public Notice at the least shall be given in some one of the Newspapers published in *Manchester* in the said County Palatine of *Lancaster* (which said Notice shall specify the Purpose for which any such Special General Meetings are called); and all such General Meetings and Special General Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and all such Meetings of the said Proprietors to be held as aforesaid, the Proprietors then present not being fewer than Nine in Number, shall and may proceed to Business, and act in the Execution of the several Powers hereby given to the said Company of Proprietors; and if it shall happen that there shall not appear at any of the aforesaid Meetings of the said Proprietors a sufficient Number of the said Proprietors to act or to adjourn (Nine Proprietors being hereby declared sufficient in all Cases to proceed to Business, and Three Proprietors being hereby declared sufficient for the Purpose of Adjournment only), then and

Meetings how to be convened.

so

so often as the Case may happen, such Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, and at the same Place and Hour at which the same ought to have been held as aforesaid.

General Meetings may make Bye Laws.

XXIV. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any of their General Meetings to be held as aforesaid, to make such Rules, Orders, and Bye Laws, as to them shall seem right and proper, for the good Government of the said Undertaking, and for regulating the Proceedings of their Committee, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs and Business of the said Company, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others; and all Rules, Orders, and Bye Laws so made as aforesaid, (being reduced into Writing, and the Common Seal of the said Company affixed thereto,) shall be printed, and be binding upon all such Persons, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye Laws shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or any of the Directions or Provisions of this Act; provided also, that Copies thereof shall be fixed and continued in the Office of the said Company; and all such Rules, Orders, and Bye Laws shall be subject to Appeal in manner by this Act directed.

At General Meetings a Chairman to be appointed. Regulations as to Manner of voting, &c.

XXV. And be it further enacted, That at every General Meeting of the Proprietors of the said Undertaking One of the Proprietors then present shall be elected to preside as Chairman; and all Questions shall be decided by a Majority of Votes of the Proprietors present, according to their respective Numbers of Shares; (that is to say,) One Vote in respect of every such respective Share, except that no Person shall vote in respect of more than Ten Shares in his or her own Right; but nevertheless it is hereby provided, that no Proprietor shall be entitled to vote at any Meeting of the said Company, in respect of any Share or Shares which he or she possess in the said Undertaking, unless such Person shall have fully paid all Arrears due in pursuance of any Call or Calls which shall have been made upon or in respect of such Share or Shares by the said Committee for the Time being, nor shall any Person vote at any Meeting of the said Company upon any Question in which such Person shall be interested in any other Way than as being a Proprietor in the said Undertaking.

Chairman of Meetings to have the casting Vote.

XXVI. And be it further enacted, That if at any Assembly or Meeting of the said Company the Number of Votes, including the Vote of the Chairman, shall be equal, then and in every such Case the Chairman for the Time being shall have an additional or casting Vote.

In case of joint Proprietors, the Person whose Name stands first to vote.

XXVII. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company shall be deemed to be the Proprietor of such Share or Shares for the Purposes next herein-after mentioned; (that is to say,) such Person shall have the sole and entire Right of voting at all Meetings of the said Company, in respect of such joint Share or Shares; and when any Notice in pursuance of this Act shall be given to such Person, the same shall be considered as a Notice given to all the Proprietors of such joint Share or Shares.

Lunatics and Minors how to vote.

XXVIII. Provided always, and be it further enacted, That in case any of the said Proprietors entitled to vote as aforesaid shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics may vote by any of his, her, or their Committee, and such Minor or Minors shall or may vote by his, her, or their Guardian, or any One of such Guardians; but no Person or Persons, Bodies Corporate or Politic, shall hold and vote as a Proxy or Proxies for more than Two Proprietors, or give more than Five Votes for any One Proxy or Proxies upon any one Occasion.

Empowering Proprietors of Shares to vote by Proxy.

XXIX. And be it further enacted, That any Person being a Proprietor of any Share or Shares in the said Company's Stock, entitled to vote in respect of such Share or Shares at any General or Special Meeting of the said Company, shall have full Power and Authority to give his or her Vote or Votes at such General or Special Meetings as aforesaid, either in Person or by Proxy, every such Proxy being a Proprietor in the said Undertaking, and entitled to vote in respect of his, her, or their own Share or Shares, duly constituted under his, her, or their Hand or Hands, or, in Cases of Infancy or Lunacy, under the Hand or Hands of his, her, or their Guardian or Guardians, Committee or Committees; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say,)

Form of Proxy.

'I *A. B.* of One of the Proprietors of Shares of and in the *Bury* Gas Light and Coke Company, do hereby nominate, constitute, and appoint *C. D.* of to be my Proxy, in my Name and in my Absence to vote or give my Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking, that shall be mentioned or proposed at any General or Special Meeting of the said Company, in such Manner as the said *C. D.* shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking, or any thing relating thereto. In witness whereof I have hereunto set my Hand, the Day of One thousand eight hundred and .'

Not to have more than Ten Votes in addition to his own

XXX. Provided always, That no Person shall vote by Proxy or Proxies for more than Ten Shares, or be entitled to more than Ten Votes in respect of such Proxy or Proxies, upon any one Occasion; but if such Person be a Proprietor, he may also vote in right of his own Shares on the same Occasion; and provided that the Person applying

applying to vote as Proxy do always at the Time of voting produce his Appointment or Appointments.

Meetings to settle Accounts and declare Dividends.

XXXI. And be it further enacted, That any General Meeting or General Meetings, specially called for the Purpose, shall have full Power to call for and examine and settle the Accounts of the said Company and of the said Committee; and at one of the said General Meetings, or some Adjournment thereof, in each Year, a Dividend or Dividends shall be made out of the Interest, Profits, or Advantage of the said Undertaking, unless such Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* for every Share upon all and every the Sum and Sums of Money paid to the said Company by the said Subscribers, their Executors, Administrators, Successors, or Assigns, as such Meeting shall think fit to appoint and determine: Provided always, that no Dividend shall be made whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor within Twelve Calendar Months next after the passing of this Act; nor shall any Dividend be paid in respect of any Share or Shares after a Day appointed for the Payment of any Call for Money in respect thereof, until such Call shall have been paid.

General Meetings may appoint a Treasurer and Clerk.

XXXII. And be it further enacted, That the said Company of Proprietors shall at their said First General Meeting, or at some Adjournment thereof, elect and choose a fit and proper Person or Persons to act as Treasurer and a Clerk for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General or Special Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk, or either of them, or any other Person or Persons who shall be hereafter elected and appointed to their respective Offices, and shall also from Time to Time elect, choose, and appoint, in manner aforesaid, any other Person or Persons to act as Treasurer or Clerk of the said Company in the Room of such of the said Officers who shall happen to die or to resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or any of them, as at any such General or Special Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Company of Proprietors shall and they are hereby required to take sufficient Security from every Person who shall hereafter be appointed Treasurer of the said Company, for the faithful Execution of his Office, before he shall enter thereupon.

Clerk and Treasurer not to be the same Person.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who may be appointed

pointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or other Person or Persons in the Service or Employ of such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Company; and if any Person or Persons shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or upon the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasurer, &c. not to issue Money without an Order.

XXXIV. And be it further enacted, That no Sum or Sums of Money shall be issued by the Treasurer or Treasurers, or other Officer or Officers to be appointed by the said Company, on account of the said Company, without an Order or Orders made at a General Meeting of the said Company, or without an Order or Orders in Writing, signed by the Chairman of the Committee for the Time being, and Three Members at least of the said Committee present at some Meeting of the said Committee.

Appointment of Committee, Officers, &c.

XXXV. And be it further enacted, That at the First General Meeting of the said Proprietors of the said Undertaking to be held next after the passing of this Act, or at any Adjournment thereof, a Committee for managing the Affairs of the said Company shall be elected out of the Proprietors or Subscribers of Shares of and in the said Undertaking; and such Committee shall consist of Eleven Proprietors or Subscribers, and when elected they shall be the Committee for managing the Affairs of the said Company, until others shall be chosen in their Stead as herein-after mentioned.

Committeemen contracting for Work to cease to have a Vote in the Committee.

XXXVI. Provided always, and be it further enacted, That if any Person hereby nominated, or who shall be elected a Member of the said Committee, shall be or become a Dealer, either directly or indirectly, in any of the Articles to be provided or manufactured by the said Company, or shall offer to take or succeed in taking, or shall participate in any Manner in any Work to be done for the said Company, every such Person shall be disqualified to be a Member of the said Committee; and if any Person hereby nominated or to be appointed by virtue of this Act a Member of the said Committee

shall at any Time cease to be a Proprietor of the said Undertaking, or shall refuse or neglect (unless prevented by Illness or Absence from Home) to attend any Five successive Meetings of the said Committee, every such Person shall thereby cease to act or vote at such Committee, and shall be disqualified as aforesaid, and thereupon another Proprietor shall be elected in the Stead of such defaulting Member, to be a Member of the Committee.

Committee of Management to be elected annually.

XXXVII. And be it further enacted, That at the said First General Meeting, or at some Adjournment thereof, and at every General Meeting which shall be held afterwards in the said Month of *April*, or at some Adjournment thereof, a new Committee of Eleven of the Proprietors of Shares in the said Undertaking shall be elected in the Place of the former Committee; nevertheless the said former Committee, whose Office shall then have expired, or any of them, may (if otherwise eligible) be again immediately re-chosen; and in case the Committee, by Death, Resignation, or Disqualification, shall be reduced to the Number of Five, such Vacancy shall from Time to Time be filled up at a Special General Meeting to be called for that Purpose within Twenty Days next after such Reduction in Number shall happen; and the Persons so to be chosen to fill such Vacancy or Vacancies shall (being duly qualified) continue in Office upon the same Terms, and only for the same Period, as the Persons whose Places they shall supply would have continued if their Office had not been vacated before the Time at which they must (according to the Provisions contained in this Act) have gone out of Office: Provided also, that all Notices herein-before directed to be given of any General or Special Meetings or Adjournments respectively, or to any of the said Proprietors upon any particular Occasion, and not herein-before otherwise provided for, shall be given to the said several Proprietors, or such individual Proprietors respectively, by Letters from the Clerk or Clerks to the said Company, sent by Post to each and every of the said Proprietors entitled to vote at such Meetings respectively, or to the individual Proprietor entitled to such Notice, (as the Case may be,) and such Notice shall be deemed and considered the same as personal Notice: Provided also, that if at such General Meeting or Special General Meeting of the said Company of Proprietors, to be held under the Powers herein contained, there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least One hundred and twenty-five Shares in the said Undertaking, no Business shall be transacted at any such Meeting except adjourning the same.

Qualification of Committee Man.

XXXVIII. Provided always, and be it further enacted, That no Person shall be eligible to be elected One of the Committee for managing the Affairs of the said Company, unless at the Time of his Election he shall be entitled to Ten Shares at the least in the said Undertaking.

Special Meetings may be called to remove any of the

XXXIX. And be it further enacted, That in case any Five or more of the said Proprietors, being individually possessed of or entitled to Ten or more Shares in the said Undertaking, shall think that a Special Meeting

Committee, or to elect others, in certain Cases.

Meeting of the Proprietors should be holden, then it shall be lawful for them to call a Special Meeting of the said Proprietors, to be held at such Hour and Place within the said Town of *Bury* as they shall think fit, provided Fourteen Days Notice of the Time and Place and Purport of such Special Meeting be given by the Persons calling the same, by Advertisement in One of the Newspapers printed at *Manchester* aforesaid, or in some other Newspaper circulated in the Neighbourhood, such Notice to specify the Reason and Intention of requesting such Special Meeting, and the Time when and the Place where the said Meeting shall be held; and at each Special Meeting it shall be lawful for the Proprietors then present, or the Majority of them, to proceed to transact the Business specified in the Notice for which such Special Meeting shall have been called, and no other; and the Committee for the Time being shall produce their Accounts and a Report of their Proceedings at such Special Meeting, if required by the Notice calling or convening the same: Provided always, that if at any such Special Meeting there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least One hundred and twenty-five Shares in the said Undertaking, the Power hereby given unto the said Company of Proprietors to remove all or any of the Committee, and to elect others in their Stead, on account of any Complaint against the Conduct of such Committee, shall not be exercised, but the Meeting shall be adjourned for that particular Purpose to the same Place, from Time to Time, until there shall be present, either as Principals or Proxies, Proprietors who shall be possessed of One hundred and twenty-five Shares as aforesaid; and the same Rules, Regulations, Penalties, and Provisions as are herein prescribed with respect to the General Meetings for choosing Committees shall be applicable to the Meetings to be held for removing them.

For regulating Meetings and Proceedings of Committee.

XL. And be it further enacted, That the said Committee shall or may hold their first Meeting within Thirty Days after being appointed, at such Time and Place within the said Town of *Bury* as they shall think proper, and shall have full Power and Authority to adjourn such first Meeting, and again to meet and adjourn from Time to Time, and from Place to Place within the said Town, as they shall think fit; and the said Company shall from Time to Time appoint One of the Committee then present to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee at any of their Meetings, shall be decided and determined by a Majority in Number of Members present (the Number present not being less than Five), and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman for the Time being, such Chairman shall have the decisive and casting Vote; and if on the Day appointed for any Meeting of the said Committee, Five Members qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned till such Time as the Members or Member then present, or, if none be present, as the Clerk or Clerks of the said Company, or such other Person as shall attend in his or their Place, shall appoint; and any Two or more Members of the Committee may at any

Time, when they shall think fit, call a Meeting of the Committee, by Notice in Writing, signed by such Two or more Members, to be sent by the Post, or otherwise, to the Residence or Address of every Member of such Committee.

Powers of Committee, &c.

XLI. And be it further enacted, That the Committee for the Time being shall have the Custody of the Common Seal of the said Company; and shall have full Power and Authority to meet and adjourn from Time to Time, and from Place to Place within the said Town of *Bury*; and also at any Time to call Special Meetings of the said Company for any Purpose they may think proper; and to appoint the Times and Places in the said Town of *Bury* of holding General and Special Meetings; and to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out or disposed of, for the Purposes of the same Company, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods and Chattels, for the Use of the said Undertaking, and entering into any Agreements or Contracts for lighting with Gas the said Streets, Highways, Squares, Markets, Places, or Shops, Inns, Manufactories, Warehouses, private Houses, Buildings, or private Places as aforesaid; and in nominating, electing, appointing, placing, or displacing any Officer, Agent, or Servant of the said Company, (not being a Treasurer or Clerk of the said Company, who are to be elected and appointed at a General Meeting of the Company as herein-before mentioned,) and with such Salaries, Gratuities, or other Recompence as to the said Committee shall seem proper; and in ordering, directing, and employing the Works and Workmen; and in selling and disposing of all Articles produced as aforesaid; and in making, enforcing, and rescinding, compounding and compromising, all Contracts and Bargains touching or in anywise concerning the same, subject to such Orders, Bye Laws, Rules, and Regulations as shall at any Time be duly made by the said Company, in Restraint, Controul, or Regulation of the Powers and Authorities by this Act granted; and the said Committee may require such Security to be given to the said Company of Proprietors, from any Officer or Officers (not being a Treasurer or Clerk of the said Company), or other Person, for the faithful Execution of their respective Offices or Duties, as they may think proper or reasonable.

Orders, &c. to be entered in a Book.

XLII. And be it further enacted, That all Orders and Proceedings of the said Company, and of the Committee for the Time being, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings shall be signed by the Chairman for the Time being of each respective Meeting, or for the Purposes of Adjournment only by the Clerk of the said Company, and shall be deemed and taken to be original Orders and Proceedings, and allowed to be read in Evidence in all Courts and Places whatsoever.

Calls to be made.

XLIII. And be it further enacted, That the said Company of Proprietors, or other Committee for the Time being, shall have full Power and Authority to make such Call or Calls for Money from the several

several Proprietors or Subscribers of Shares in the said Undertaking, their Executors, Administrators, Successors, and Assigns, as the said Company or their said Committee shall from Time to Time find expedient for the Purposes of the said Undertaking, so that no one such Call do exceed Two Pounds upon each Share of Ten Pounds, and so that no Calls shall be made but at the Interval of Two Calendar Months at least from each other, and so that the total Amount of such Calls shall not exceed the Sums subscribed for by the several Proprietors; and the several Sums of Money which shall be so called for shall be paid into the Hands of the Treasurer of the said Company for the Time being, at such Times and Places as shall be appointed by the said Company or such Committee, of which Times and Places Ten Days Notice at least in Writing shall be given by the Clerk of the said Company to the several Persons liable to pay such Calls, which Notice may be sent by the Post, or in such other Manner as the said Company or such Committee shall direct in that Behalf; and if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money so to be called for during the Space of Three Calendar Months next after the Time appointed for Payment thereof, with lawful Interest for the same from such appointed Time of Payment, then and in every such Case such Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, or Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the rest of the said Company; and all Shares which shall be so forfeited shall or may be sold at a Public Sale for the most Money that can be gotten for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed.

Calls forfeited on Non-payment.

No Advantage to be taken of Forfeiture of Shares until after Twenty-one Days Notice in Writing.

XLIV. Provided also, and be it further enacted, That no Advantage shall be taken of any such Forfeiture of any Share or Shares, until after Twenty-one Days Notice in Writing shall have been given by the Clerk of the said Company to the Proprietor or Proprietors thereof, or left at his, her, or their last or usual Place of Abode, and in case such Proprietor or Proprietors shall have no fixed Place of Residence, then public Notice shall be given by Advertisement, Twice at least in some one or more Newspaper or Newspapers printed and circulated in the said County Palatine of *Lancaster*, nor unless the same Share or Shares shall be declared to be forfeited at some General or Special Meeting of the said Proprietors held not sooner than Two Calendar Months next after such Forfeiture shall take place; and every such Forfeiture when so declared shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, Successors, and Assigns, against all Actions, Suits, and Proceedings whatsoever, in Law or Equity, for any Breach of Contract between such Proprietor or Proprietors so forfeiting and the said Company, in regard to the future prosecuting of the said Undertaking.

XLV. Pro-

If the Purchase Money for such Shares shall be more than sufficient to pay the Arrears, &c. the Surplus to be paid to the Owner on Demand.

XLV. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company or their Committee shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be deemed sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all such Calls, and the Interest and Expences attending the same, any Share or Shares vested in the same Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Shares may be transferred.

XLVI. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, their Executors, Administrators, Successors, and Assigns, to sell and transfer any Share or Shares of which they shall respectively be possessed; and every such Transfer shall be in the Form or to the Effect following; (that is to say,)

Form of Transfer.

'I [*or* We] of
'in consideration of
'paid to me [*or* us] by of
'do hereby bargain, sell, and transfer to the
'said the Sum of
'Capital Stock of and in the Undertaking called "The *Bury* Gas
'Light and Coke Company," being my [*or* our] Share [*or* Shares]
'Number in the said Undertaking, to
'hold to the said Executors,
'Administrators, and Assigns, subject to the same Rules, Orders,
'and Restrictions, and on the same Conditions that I [*or* we] held
'the same immediately before the Execution hereof; and I [*or* we]
'the said do hereby agree to take and
'accept the said Share [*or* Shares] subject to the same Rules, Orders,
'Restrictions, and Conditions. As witness my Hand and Seal [*or*
'our Hands and Seals], this Day of
'in the Year of our Lord.'

Transfers to be registered.

And every such Transfer shall be produced and notified to the Clerk of the said Company, and shall be entered and registered in the Books of the said Company; and the Entry or Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; for which Entry and Registry the Sum of Two Shillings and Sixpence shall be paid to the Clerk or other Officer making the same; and a Copy of such Registry, signed by the Clerk or other Officer of the said Company duly authorized thereto, shall be a

sufficient Evidence of every such Sale and Transfer, and received as such in all Disputes, and in all Trials before any Court in the United Kingdom; and until such Transfer shall be entered or registered in the Books of the said Company as aforesaid, no Purchaser of any Share or Shares, their Executors, Administrators, Successors, and Assigns, shall have any Part or Share in the said Undertaking, or in the Profits and Advantages thereof, nor shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, nor be entitled to any Vote at any Meeting or Meetings as Proprietor or Proprietors of Shares in the said Undertaking.

No Shares to be sold after a Call, until the Money is paid.

XLVII. Provided always, and be it further enacted, That after a Call for Money shall be made by virtue of this Act, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after the Day appointed for Payment of the said Call, until the Money so called for or in respect of his, her, or their Share or Shares intended to be sold shall be paid; and until such Money so called for shall be paid, any such Sale or Transfer of any Share or Shares shall be void; and all and every Person or Persons making Default herein shall be subject and liable to forfeit such his, her, or their Share or Shares in the said Undertaking, to and for the general Benefit of the said Undertaking, unless he, she, or they shall, at the Time of such Sale or Sales, or Transfer, pay to the Treasurer of the said Company the full Sum of Money called for upon every Share so to be sold or transferred; such Forfeitures nevertheless to be first notified and declared in manner directed by this Act with respect to the Forfeiture of Shares for not answering the Calls to be made thereon.

Powers vested in the Company by this Act shall not be alienable.

XLVIII. And be it further enacted, That it shall not be lawful for the said Company at any Time hereafter to sell or dispose of any of the Powers or Authorities vested in them by this Act to any other Gas Light Company, or to any other Person or Persons whomsoever.

Power to make and erect Retorts, and to break up the Soil and Pavement of Streets, &c. for laying Pipes, &c.

XLIX. And be it further enacted, That it shall be lawful for the said Company and their Successors, and they are hereby fully authorized and empowered (subject to the Provisions and Restrictions herein-after mentioned), by their Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Machines, and other Apparatus and Works, upon any of the Lands, Tenements, or Hereditaments which the said Company may purchase for that Purpose, in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into Execution; and also to break up the Soil and Pavement of any Streets, Squares, Highways, Bridges, Roads, Ways, Lanes, Passages, Closes of Land, and other Places, or any Part of them, and to dig and sink Trenches and Drains, and lay Main or other Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes from the Gasometer or other Works, in, under, across, and along such Places as aforesaid, or in, under, or across the Rivers *Roach* and *Irwell*, or either of them, or

under or across the Brooks called *Barn Brook*, *Huntley Brook*, or *Whitehead Brook*, or any of them, and in such Manner as shall be necessary for the Purpose of carrying this Act into Execution, or supplying any such Light as aforesaid, and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, Syphons, and Plugs or Branches; also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Road, Highway, Lane, Passage, or other Place, by the said Company by virtue of this Act, into or through or against any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same, or any public or private Lamp, from any of such Main or other Pipes; and to erect and set up any Machine or Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged, in such Dwelling House or Houses, Manufactories, public or private Buildings; and to do all such other Acts, Matters, and Things as the said Company and their Successors shall from Time to Time think necessary, for completing, amending, repairing, improving, supplying, and using the same: Provided nevertheless, that nothing herein contained shall authorize or empower the said Company to affix, carry, or lay any Pipe or Pipes through or against any Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, for the Purpose of lighting the same, or any other Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, or any Place or Places, or to continue the same, without the Consent of the Owner and Occupier of every such Dwelling House or Houses, Manufactory, public or private Buildings, Yards, Lands, or other Premises through or against which any such Pipe or Pipes may be carried or laid for the Purposes aforesaid.

Company to remove Pipes, &c. when Tenants quit, if required.

L. Provided always, and be it further enacted, That the said Company shall at their own Expence, on the Expiration or Determination of the Tenancy or Tenancies of any Occupier or Occupiers, whose Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, shall be supplied with Gas in pursuance of this Act, or within Ten Days next after the Expiration or Determination of such Tenancy or Tenancies, upon receiving Two Days Notice in Writing for that Purpose, for or on behalf of the Owner or Owners, or the succeeding Occupier or Occupiers of any such Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, as aforesaid, remove, take, and carry away, or cause to be removed, taken, and carried away, any Pipe or Pipes, Cocks, or Branches from any Main or Pipes, which shall have been introduced or laid by the said Company, in or against any such Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, as aforesaid, pursuant to the Power for that Purpose herein-before contained, and shall repair and make good any such Dwelling House or Houses, Manu-

Manufactories, public or private Buildings, or Yards, where the same shall have been so introduced or be placed, any thing herein contained to the contrary thereof in anywise notwithstanding; and in default thereof it shall be lawful for such Owner or Owners, or such new or succeeding Occupier or Occupiers, as the Case may require, or any other Person or Persons acting under their, his, or her respective Authority, to cause such Pipes, Cocks, or Branches to be removed, taken, and carried away (without being thereby subjected to any Penalty or Penalties, or Costs, for thereby unavoidably damaging the Works of the said Company), and the Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, where the same shall have been introduced or placed, to be repaired and made good, and the reasonable Costs and Charges for so doing the same shall be immediately paid by the said Company, or their Treasurer for the Time being, to such Owner or Owners, Occupier or Occupiers, as the Case may require: Provided nevertheless, that if such reasonable Costs and Charges be not paid within Twenty Days next after Demand shall be made by such Owner or Owners, Occupier or Occupiers, (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the said County Palatine of *Lancaster*,) all such reasonable Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County (which Warrant such Justice or Justices is and are hereby empowered to grant), and such Costs and Charges shall be paid to such Owner or Owners, Occupier or Occupiers, as the Case may require.

Restrictions as to breaking up of Pavements, Roads, &c.

LI. And be it further enacted, That it shall not be lawful for the said Company to break or take up or disturb the Pavement or Ground in any Road, Street, Square, Way, Lane, or other public Passage or Place, for the Purpose of laying down any Main Pipe or Main Pipes (except Service Pipes of a Diameter not exceeding One Inch in the Bore), without the Consent in Writing of the Commissioners, Surveyors, Trustees, or other Persons having the Controul of such Pavement, Ground, Road, Street, Way, Lane, or other public Passage or Place respectively, first had and obtained; but nothing in this Act contained shall be deemed or construed to prevent the said Company from laying down, repairing, or altering such Main Pipes (after such Consent as aforesaid), or from opening, taking up, or removing any of the Ground, Stones, Soil, or Pavement, or otherwise, in or of any Road, Street, Way, Lane, or other public Passage or Place whatsoever, for the laying down, repairing, or altering of any such Service Pipes, or of any Apparatus leading from such Main Pipes, after such Consent as aforesaid.

Notice to be given of breaking up Pavements, Roads, &c.

LII. And be it further enacted, That (after such Consent as aforesaid) it shall not be lawful for the said Company to break, take up, or disturb, or cause to be broken, taken up, or disturbed, any of the Pavements or Ground in any Road, Square, Street, Way, Lane, or other

other public Passage or Place, for the Purpose of laying down or repairing any Main Pipe or Pipes (except Service Pipes as aforesaid), or of altering the Position of any such Main Pipe or Pipes (except as aforesaid), unless Notice in Writing of their Intention to break or take up such Pavement or Ground, signed by the Clerk to the said Company, specifying the Road, Square, Street, Way, Lane, or other public Passage or Place, and the particular Part thereof intended to be broken or taken up, shall have been given to the Surveyor or Superintendent of such Road, Square, Street, Way, Lane, or other public Passage or Place, for the Time being, or to the Surveyor of the District or Place wherein such Road, Square, Street, Way, Lane, or other public Passage or Place (the Pavement, Ground, or Soil whereof is so intended to be broken or taken up) shall be situate, or shall have been left for him at his Dwelling House or last Place of Abode for the Space of Twenty-four Hours at the least before such Pavement or Ground, or any Part thereof, shall be so broken or taken up, except in Cases of sudden Emergency, when such Notice shall be given as soon as possible after such Pavements or Ground, or any Part thereof, shall be broken or taken up; and if the said Company shall break or take up or disturb, or cause to be broken, taken up, or disturbed, any such Pavements or Ground without such Consent as aforesaid, and without such Notice being given or left as aforesaid (except as aforesaid), or shall break or take up or disturb any such Pavement or Ground for the Purpose of laying down any Main or Mains without such Consent as aforesaid, then and in every such Case the said Company shall forfeit and pay to the Commissioners or Trustees, Surveyors, or other Persons having the Controul of the Pavements or Road, Ground or Soil, which shall be so broken or taken up or disturbed, the Sum of Forty Shillings for every Square Yard of Pavement or Ground which shall be so broken or taken up without such Notice as aforesaid (except as aforesaid), to be recovered and levied, in case of Nonpayment, in such Manner as other Penalties and Forfeitures by this Act imposed are directed to be recovered and levied.

Trustees, &c. of Roads may require the Company to alter the Situation of Pipes.

LIII. And be it further enacted, That if it shall at any Time or Times be deemed necessary or expedient by the Commissioners or Trustees, Surveyors, or other Person or Persons having the Controul, Direction, or Superintendence of the said Roads, Squares, Streets, Ways, Lanes, and other public Passages and Places respectively, to require the said Company to raise or sink or otherwise alter the Situation of any of the Pipes, Stopcocks, Plugs, or Branches which shall be laid down for the Purposes aforesaid, the said Company shall at their own Expence, within Ten Days next after being required so to do by Notice in Writing to them given by the said Commissioners, Trustees, Surveyors, or other Person or Persons respectively, raise or sink such Pipes, Stopcocks, Plugs, or Branches, according to such Notice; and in default thereof, it shall be lawful for the said Commissioners, Trustees, Surveyors, or other Person or Persons aforesaid, to cause such Pipes, Cocks, Plugs, or Branches to be raised or sunk, and the reasonable Costs and Charges of doing the same shall immediately thereafter be paid by the said Company; and if

the same be not paid within Ten Days next after Demand shall be made by the said Commissioners, Trustees, Surveyors, or other Person or Persons aforesaid, by Writing left at the Office of the said Company (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace), all such reasonable Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, which Warrant such Justice or Justices is and are hereby empowered to grant; and such Costs and Charges shall be paid to the said Commissioners, Trustees, Surveyors, or other Person or Persons as aforesaid.

Pavements to be made good where Pipes are laid.

LIV. Provided always, and be it further enacted, That the Workmen employed in laying or repairing any such Main Pipes, Plugs, Cocks, Syphons, or Branches, shall do as little Damage as may be, and shall forthwith fill up the Trenches, and make good the Pavement and Roads, and carry away the Rubbish occasioned thereby, and repair any Damage arising from any Drains, Sewers, or Cuts which may be made for carrying off any Washings or waste Liquids, without any Delay, and shall in the meantime fence or guard the Place or Places where any Ground shall be opened, and place and set up Lights during the Night, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided always,

Provision in case of Default.

that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or in any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling any such Ground, or removing Rubbish, or making good any such Pavements or Roads, or in fencing or guarding the Ground which shall be opened, or in placing and setting up such Lights during the Night, so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case it shall be lawful for the Surveyor or Surveyors of the Highways within the said Townships of *Bury*, *Elton*, and *Heap*, or any Part or Parts thereof respectively, or any Person or Persons acting by or under the Authority of the said Surveyors, to fill up such Ground, and remove such Rubbish, and to repair and make good the Pavement of any Street, Highway, Lane, Passage, or Place so broken up, and the reasonable Costs and Charges thereof shall be paid by the said Company of Proprietors or their Treasurer; and in default of Payment thereof for Ten Days next after Demand shall be made by such Surveyor or Surveyors, or other Person acting by or under his or their Authority, (Proof of such Demand being made upon Oath of Two or more credible Witnesses before One or more Justice or Justices of the Peace for the said County,) all such reasonable Costs and Charges, together with any Sum not exceeding Ten Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, or such other Person or Persons, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said County, and which Warrant such

such Justice or Justices is and are hereby empowered to grant; and such Costs, Charges, and Penalty shall be paid to such Surveyor or Surveyors.

Damages to any public Sewer or Drain to be made good.

LV. Provided always, and be it further enacted, That the said Company, or their Successors, Servants, Agents, Workmen, or others, shall not, by any Work to be done by virtue of this Act, damage or injure any Public Sewer or Drain within the said Townships of *Bury*, *Elton*, or *Heap*, within the Limits of this Act; and if any Damage or Injury shall unavoidably be done to any such Sewer or Drain, the said Company or their Successors shall forthwith well and sufficiently repair and make good any such Damage or Injury; and on default thereof, the Amount of such Damage shall be recoverable by the Surveyor or Surveyors of the Highways for the Time being of such of the said Townships wherein such Damage or Injury shall have been sustained, by Distress and Sale of the Goods and Chattels of the said Company, or by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Penalty on Company allowing their Washings to drain into any Rivers, Wells, &c.

LVI. And be it further enacted, That if the said Company of Proprietors, or any Body or Bodies Politic or Corporate, or Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Townships, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of any Gas Works, or in the Manufacture or Process of making or procuring Gas, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Company of Proprietors, or Body or Bodies Politic or Corporate, or Person or Persons, so offending, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance, shall be allowed, and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have

Penalties to be sued for within 12 Months.

Further Penalty if Nuisance is

not abated immediately.

have been sued for or recovered or not), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Company of Proprietors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, and the said Company of Proprietors, or Body or Bodies Politic or Corporate, or Person or Persons, shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company of Proprietors, or Body or Bodies Politic or Corporate, or Person or Persons, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Power to the Company to contract for the lighting of Streets and Houses.

LVII. And be it further enacted, That it shall be lawful for the said Company to contract with the Commissioners, Trustees, Surveyors, Persons, or Bodies, having the Controul, Direction, or Management of the Highways, or any of them, within the Limits of this Act, for lighting or supplying the same with Gas; and also to contract with any Persons, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, for the lighting or supplying with Gas any such Persons or Bodies, or any Streets, Squares, Ways, Lanes, or Passages, Manufactories, Shops, Warehouses, public or private Houses or Buildings belonging to them or any of them, or in which they or any of them are interested, or over which they or any of them have the Direction or Controul; and also to contract with any Person or Persons whomsoever for lighting or supplying with Gas any Shops, Warehouses, public or private Buildings or Places whatsoever, within the Limits of this Act, in such Manner and under such Stipulations as the said Company shall think proper, consistent with the Powers and Authorities hereby granted.

LVIII. And

Power to light Houses, &c. from the Mains.

LVIII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby fully authorized and empowered, from Time to Time, to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main Pipe or Pipes in any Road, Square, Street, Way, Lane, or other public Passage or Place, laid by or belonging to the said Company, in or through any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same, or any public or private Lamp, from any such Main Pipe or Main Pipes, with the Consent of the Owner and Occupier of such Dwelling House or Houses, Manufactories, public or private Buildings.

Gas to be supplied cheaper than Oil.

LIX. Provided always, and be it further enacted, That in case the said Company shall at any Time hereafter contract with any Person or Persons, Body or Bodies Politic or Corporate, for lighting any of the public Lamps in any of the public Streets, Roads, Highways, Squares, or Market Places, or other public Places within the said Town and Suburbs within the Limits aforesaid, the said Company shall and they are hereby directed and required to supply such public Lamps which they shall so contract to light with Gas of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil Lamps; and whenever the said Company shall fail so to do, the Power and Authority hereby given to the said Company further to break up the Soil or Pavement of any such public Street, Road, Square, or Market Place, or any other public Place in the said Town and Suburbs within the Limits aforesaid, where such public Lamps shall be situated, shall from thenceforth, during such Refusal, cease and determine; and every Contract or Agreement which shall be entered into for lighting with Gas such public Lamps by the said Company shall contain a Clause, providing that it shall be obligatory on the said Company that such public Lamps shall at all Times be better and cheaper lighted by the said Company than could be done by Oil Lamps.

Service Pipes to be kept fully charged with Gas.

LX. And be it further enacted, That the Branch or Service Pipes which shall be put up by the said Company for lighting the Streets and other public Passages and Places within the said Township and Limits aforesaid, under any Contract or Agreement, shall be kept fully charged with Gas, and the Stopcocks shall be so formed and turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Recovery of Rent.

LXI. And be it further enacted, That in case any Person or Persons who shall contract with the said Company, or agree to take, or shall use or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days next after Demand made thereof, to pay the Sum or Sums then due for the same to the said Company, according to the Terms and Stipulations with the said Company, it shall be lawful for the said Company, or their Clerk or Clerks, or any Person or Persons acting by or under their Authority,

by Warrant under the Hand and Seal of any One of the Justices of the Peace for the said County, to levy the said Sum or Sums of Money in respect whereof such Refusal or Neglect shall happen by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus, if any, upon Demand, to the Person or Persons so refusing or neglecting, after the necessary Costs and Charges of making such Distress and Sale shall be first deducted.

No Pipes of Communication to be laid without the Consent of the Company.

LXII. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Iron, Lead, or other Pipe to communicate with any Pipe belonging to the said Company, nor use any Burners of larger Dimensions, nor more in Number, than he, she, or they shall respectively contract or pay for, on pain of forfeiting and paying to the said Company any Sum not exceeding Ten Pounds, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace of the said County, and which Warrant such Justice or Justices is and are hereby required and empowered to grant; and the Surplus, after such Penalties or Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the House of Correction within the Hundred of *Salford* and County aforesaid, there to remain, without Bail or Mainprize, for such Time as such Justice or Justices shall direct, not exceeding Six Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Penalty on wilfully damaging Pipes, &c.

LXIII. And be it further enacted, That if any Person shall wilfully or maliciously remove, take away, destroy, damage, or injure any Pipe, Post, Plug, Lamp, or other Apparatus, Matter, or Thing belonging to the said Company, or any Part thereof respectively, or shall wilfully or maliciously extinguish or put out any One or more of the public Lamps or Lights, or wilfully or maliciously waste any of the Inflammable Air or Gas supplied by the said Company, or shall neglect to extinguish or put out any Burner or Burners which shall be, by the said Company supplied with such Air or Gas, within One Hour after the Time contracted for, every Person so offending, in any of the respective Premises, and being thereof lawfully convicted on the Oath or Affirmation of One credible Witness before One or more Justice or Justices of the Peace for the said County, shall forfeit and pay to the aforesaid Company any Sum not exceeding Ten Pounds, and the Amount of the Damage, to be ascertained by such Justice or Justices to be done; such Penalty and Damage, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels; or if it shall appear to the said Justice or Justices, either by Confession or otherwise, that the Offender or Offenders hath or have not any Goods or Chattels sufficient to levy such

such Forfeiture or Damage aforesaid, such Offender shall and may be committed to the said House of Correction in the said Hundred of *Salford*, there to remain for any Time not exceeding Six Calendar Months, or until such Forfeiture, Damages, and Costs shall be paid or tendered to the Keeper of the Common Gaol or House of Correction, for the Use of the said Company.

Satisfaction for Damages of Lamps, &c.

LXIV. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, destroy, throw down, damage, or injure any Lamp or Lamps hung out, set up, or belonging to the said Company, or by any Person or Persons at his, her, or their own or private Expence, or any Pipe, Pedestal, Post, Plug, or other Apparatus, Matter, or Thing belonging thereto or to the said Company, or waste any Inflammable Air or Gas supplied by the said Company, or keep the Light or Lights burning for a longer Time than he, she, or they shall contract to pay for, and shall not, upon Demand by the said Company, or their Clerk or Superintendent, or other Person or Persons authorized by them, make Satisfaction for the Damage done, or the Excess of Gas obtained and used, or keeping the Lights burning longer than they shall have contracted for as aforesaid, then and in every such Case it shall be lawful for any One or more Justice or Justices of the Peace of the said County Palatine of *Lancaster*, and he and they is and are hereby empowered and required, upon Complaint to him or them made, to summon before him or them, the Party or Parties against whom the Complaint shall be preferred; and upon hearing the Allegations and Proofs on both Sides, or on Non-appearance of the Party or Parties so complained against, to proceed *ex parte*, and to award such Sum or Sums of Money by way of Satisfaction to the said Company, or to such other Person or Persons (as the Case may require), for such Damages or Excess, as such Justice or Justices shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums so awarded, within Fourteen Days next after Demand, it shall be lawful for such Justice or Justices, or any One of them, and he and they is and are hereby required, to cause the same to be raised and levied in such and the like Manner as any Fine, Penalty, or Forfeitures by this Act directed to be raised and levied.

The Supply of Gas may be taken from the Houses of Persons who are in arrear for Rent.

LXV. And be it further enacted, That in every Case of Nonpayment of Rent to the said Company, within the Time which shall be duly appointed for that Purpose, and for every Offence created or declared by this Act which shall be committed against the said Company, it shall be lawful for the said Directors, over and above the Remedies and Penalties provided in each respective Case, and notwithstanding any existing Contract, to take off the Gas from the House and Premises of every Person who, using Gas supplied by the said Directors, shall so be in arrear for Rent, or offend, and such Person shall notwithstanding be liable to pay all such his or her Arrears of Rent.

Penalty on Persons supplied with

LXVI. Provided always, and be it further enacted, That if any Person or Persons whomsoever, supplied with Gas by virtue of this Act,

Gas supplying any other Persons.

Act, shall supply any other Person or Persons whomsoever with any Part of such Gas, then and in every such Case every Person or Persons so offending in that respect shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds; and it shall be lawful for the Clerk, Engineer, or other Officer duly appointed for that Purpose by the said Company, between the Hours of Nine of the Clock in the Morning and Ten of the Clock in the Evening of any Day, to inspect all and every Buildings and Places lighted with Gas supplied by the said Company; and if in any Building or Buildings, Place or Places, a greater Number of Jets or Lights of Gas supplied by the said Company shall be used than shall have been agreed for with the said Company, or if any Aperture or Apertures shall be wider than agreed for with the said Company, or if the Meter or Meters which may be used for ascertaining the Quantity of Gas consumed or supplied shall be in any ways injured or destroyed, the Occupier or Occupiers of such Building or Buildings, Place or Places, so injuring or destroying such Meter or Meters, shall for every such Offence forfeit and pay to the said Company a Penalty not exceeding Five Pounds.

No Burners or Pipes to be laid without the Consent of the Company.

LXVII. Provided always, and be it further enacted, That no Person shall place or cause to be placed any Pipe or Burner to communicate with any Pipe belonging to the said Company, without the Consent of the said Company, by means of their Clerk or other Officer for that Purpose appointed, first had and obtained, or use any Burner or Burners of larger Dimensions, or of a different Form, or more in Number, or for a greater Space of Time, than he, she, or they respectively shall contract or pay for, so as to waste or improperly increase the Consumption of Gas, on pain of forfeiting and paying to the said Company any Sum not exceeding Five Shillings a Day for every Day such Pipe or Burner shall so communicate, or such Burner or Burners of larger Dimensions, or of a different Form, or more in Number than contracted for, shall be used, or such Excess be so committed.

Penalty for interrupting Company's Workmen.

LXVIII. And be it further enacted, That if any Person shall hinder or interrupt the said Company, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works, or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure such Interruption or Hindrance to take place, and shall be thereof convicted before any Justice or Justices of the Peace acting for the County Palatine of *Lancaster*, either on Evidence or on Confession, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum, to be adjudged by such Justice or Justices, not exceeding Twenty Shillings; and such Sum so adjudged shall be recovered in like Manner as any Penalty or Forfeiture can or may be recovered by virtue of this Act; or the said Company may at their own Option sue for Damages sustained by them for such Hindrance or Interruption.

For the Protection of Water Pipes.

LXIX. And be it further enacted, That when and as often as the said Company, their Servants, Agents, or Workmen, shall dig or sink any

any Trench or Trenches for laying any Main, or Main Pipe or Pipes, or other Apparatus, or shall open any Ground, for the Purposes of this Act or any of them, in, upon, or near to which any Water Pipe or Water Pipes shall have been laid or placed for the Purpose of conveying Water into or about the said Town, or within the Limits of this Act, or any Branch of any such Water Pipe for the Service or Supply of any Dwelling House or Houses, Manufactories, public or private Buildings, the said Company, their Servants, Agents, or Workmen, shall and they are hereby required to give previous Notice thereof to the Proprietor or Proprietors, or Person or Persons having the Controul of such Water Pipes for the Time being, or to the Occupier of such Dwelling House, Manufactory, public or private Building supplied by such Branch or Service Pipe (as the Case may be); and on every such Occasion the said Company, their Servants, Agents, and Workmen, shall, under the Direction and Inspection of such Proprietors or Persons or Occupiers, or their, his, or her Surveyor or Agent (as the Case may be), protect and secure such Pipe or Pipes from any Injury or Damage, and shall also repair and make good any Damage that shall or may be done to any such Water Pipe or Pipes on any such Occasion; and on Default being made in any of the Matters aforesaid, the said Company shall forfeit and pay any Sum not exceeding Five Pounds, and shall also pay to such Proprietors or Persons or Occupiers (as the Case may be) the Costs and Expences which shall have been incurred by them, him, or her, in the securing and protecting, or in repairing and making good any Injury or Damage that shall or may be done to such Pipe or Pipes by the Means aforesaid, such Costs and Expences to be ascertained by any Justice of the Peace for the said County, and to be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said County, and which Warrant such Justice or Justices is and are hereby empowered to grant.

Directions as to laying the Pipes.

LXX. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Square, Market Place, Lane, Weint, Alley, Passage, Court, or other Place in the Township or the Limits aforesaid, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down by or by the Order of any Company of Proprietors for the Time being of any Waterworks hereafter to be established for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Squares, Market Places, Lanes, Weints, Alleys, Passages, Courts, or other Places in the said Township or within the Limits aforesaid, or the Neighbourhood or Precincts thereof, unless in Cases where it shall be unavoidably necessary to lay the Gas Main Pipes across any of the

Pipes of the said Company of Proprietors, in which Cases the said Gas Main Pipes shall be laid over or under the said Company's Water Pipes, as the Case may require, at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases the said Gas Main Pipes so crossing the said Company's Water Pipes shall be at least Six Feet in Length, so that no Joint of any of the said Gas Main Pipes shall be nearer to any Part of the said Company's Water Pipes than Three Feet at least; and in laying down the said Pipes, the said Gas Light and Coke Company, their Successors or Assigns, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials; and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in every respect prevent the Gas from escaping therefrom, upon pain of forfeiting for any such Offence, if the said Company shall neglect or refuse to make such Gas Pipes air-tight within Twenty-four Hours after Notice thereof given to them in Writing, the Sum of Fifty Pounds.

For preventing the Escape of Gas.

LXXI. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down in any Road, Square, Street, Way, Lane, or other public Passage or Place within the said respective Townships of *Bury*, *Elton*, and *Heap*, the said Company, or the Body or Bodies Politic or Corporate, or the Person or Persons, being the Owner or Owners of such Pipe or Pipes, so laying down or causing the same to be laid down in any such Road, Square, Street, Way, Lane, or other public Passage or Place, shall immediately after Notice given to them or him, by Parol or in Writing, of any such Escape of Gas, from any Inhabitant or Inhabitants of the said Townships respectively, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company, or the Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company, or the Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid before some One or more Justice or Justices of the Peace, and shall and may be recoverable and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Company, or of the Goods and Chattels of the Body or Bodies Politic or

Corporate, or of the Person or Persons so contracting to light, or lighting as aforesaid.

Gas Company to prevent Contamination of Water, &c.

LXXII. And be it further enacted, That whenever the Water of any Owner or Company of Proprietors of Waterworks shall be contaminated or affected by the Gas of the said Company, or of any Body or Bodies Politic or Corporate, or any Person or Persons as aforesaid, such Company, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Owner or Company of Proprietors of the Waterworks affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case and Cases the said Company, or Body or Bodies Politic, or Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk or Surveyor, to the said Owner or Company, or by any Person or Persons consuming the Water, to be left at the usual Office or Place of transacting Business of the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Company of Proprietors; and in case the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any one of the Directors for the Time being of the said Owner or Water Company, for the Use and Benefit of the same Proprietors, over and above the before-mentioned Penalty of Twenty Pounds to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the said Water shall be and remain contaminated, tainted, or affected by the Gas of the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness by and in the Name of any One or more of the Directors of any such Water Company prosecuting such Information against the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by War-

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rant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer, or to One of the Directors for the Time being of the said Company, which shall be contaminated or affected by such Gas.

For ascertaining if the Water is contaminated.

LXXIII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Company; be it therefore enacted, That in every such Case it shall be lawful for any such Company of Proprietors for supplying with Water to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said *Bury* Gas Light and Coke Company, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Company; and if it shall appear that the said Water has been contaminated by an Escape of Gas of the said *Bury* Gas Light and Coke Company, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said *Bury* Gas Light and Coke Company; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said *Bury* Gas Light and Coke Company, then and in such Case such Company of Proprietors for the supplying with Water shall bear and pay all the Expences of such Examination, Repair, and Search, and also shall make good to the said *Bury* Gas Light and Coke Company any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said *Bury* Gas Light and Coke Company in and by such Search and Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice or Justices of the Peace as aforesaid, and recoverable in like Manner as any Penalty may be recovered by virtue of this Act.

For preventing Nuisances by the Works.

LXXIV. And be it further enacted, That when any Body or Bodies Politic or Corporate, Inhabitant Householder of the said Township of *Bury* or within the Limits aforesaid, or any other Person or Persons whomsoever, shall be aggrieved by any public or private Nuisance to be committed by the said Company, or any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or the Means which shall be employed by them in manufacturing the said Gas and using the same, or furnishing such Light as aforesaid, or from any other Cause whatsoever, and shall give Notice in Writing to the said Company of the Existence of any such public or private Nuisance, the said Company shall, at their own Expence, cause the most speedy and effectual Measures to be taken to remove and abate such public or private Nuisance from continuing;

tinuing; and in case the said Company shall not proceed, within Twenty-four Hours next after such Notice in Writing being given as aforesaid of any such public or private Nuisance, to remove, and shall not abate the same to the Satisfaction of any Two Justices of the Peace for the said County Palatine of *Lancaster*, then and in every such Case the said Company shall forfeit and pay the Sum of Two Pounds for each and every Day during which such public or private Nuisance shall be permitted or suffered to exist after the Expiration of Twenty-four Hours from the Time of receiving such Notice; which Penalty shall and may from Time to Time, on the Oath of One or more credible Witness or Witnesses, by Information, to be laid and exhibited before One or more Justice or Justices of the Peace for the said County, be recoverable and recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by Warrant of any such Justice or Justices as aforesaid, to be granted in like Manner, and subject to the like Provisions, and to go to and be paid as herein directed touching other Penalties to be recovered from the said Company.

The Company liable to be indicted for Injury done by the Works.

LXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding, by Indictment or otherwise, against any of the Officers, Servants, or Workmen of the said Company, in respect of any Works, or the Means which shall be employed by them in making the said Gas, or using the same, or furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action or Actions against the said Company, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Damages and Charges, in Cases of Dispute, to be settled by Justices.

LXXVI. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

LXXVII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Com-

plaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without any Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

In case of Nonpayment of Compensation for Damages, &c.

LXXVIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the Clerk to the said Company or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Surplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in every such Case such Overplus shall be returned, on Demand, to the said Company or their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Recovery and Application of Penalties.

LXXIX. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, or by any Rule, Order, or Bye Law inflicted or imposed, in relation to which the Manner of convicting the Offenders or applying the Penalties is not particularly mentioned or directed, shall be adjudged by and be recovered before any Justice of the Peace for the said County Palatine of *Lancaster*, in and by the Oath of any Person or Persons, or on the Confession of the Party offending (which Oath the said Justice is hereby authorized to administer); and in default of Payment

ment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and one Half of the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being first deducted, shall be paid to the Informer, and the other Half thereof to the Overseers of the Poor of the Township where the Offence upon which any Conviction shall take place shall have been committed, for the Use and Benefit thereof; and in case such sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no such Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, and Charges can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County wherein such Offence shall arise, for any Time not exceeding Six Calendar Months.

LXXX. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (that is to say,) Form of Conviction of Offenders.

'
' to wit. } BE it remembered, That on the Day of in the Year of our Lord
' is [*or* are] convicted before me
' [*or* us, *as the Case may be*] of His Majesty's
' Justices of the Peace for the County Palatine of *Lancaster*, by virtue
' of an Act passed in the Ninth Year of the Reign of King *George*
' the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*]
' of having [*specifying the Offence, and the Time and Place when and*
' *where the same was committed, as the Case shall be*], contrary to the
' said Act; and for which Offence I [*or* we, *as the Case shall be*] do
' adjudge the said to have forfeited the
' Sum of . Given under my Hand and
' Seal,

'Seal, [*or, as the Case may be,* our Hands and Seals,] the Day and 'Year first above written.'

Information to be lodged within Six Calendar Months.

LXXXI. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any Penalty, Fine, or Forfeiture imposed by this Act for any Offence or Offences against the same, or any Order or Bye Law made in pursuance thereof, herein-before made cognizable before a Justice or Justices of the Peace for the said County, unless Information respecting such Offence or Offences shall have been lodged before such Justice or Justices within Six Calendar Months next after committing such Offence or Offences.

Appeal.

LXXXII. Provided always, and be it further enacted, That any Body or Bodies Politic or Corporate or Collegiate, or any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Six Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be holden for the said County Palatine of *Lancaster*, or any Adjournment thereof, the Person or Persons appealing having first given at least Ten Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk or Clerks of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, or Adjournment thereof, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the same County, and if they see cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the Justices at such Sessions shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Compelling Attendance of Witnesses.

LXXXIII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect (without a reasonable Excuse) to appear from Time to Time at the Place to be for that Purpose appointed,

appointed, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs and Expences, or appearing shall refuse to be examined upon Oath, or, in case of a Quaker or Quakers, on solemn Affirmation, (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer,) and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty for corruptly swearing.

LXXXIV. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice or Justices of the Peace or otherwise, under this Act, upon Oath (or, in case of a Quaker or Quakers, on solemn Affirmation), shall wilfully and corruptly give false Evidence, and shall be thereof lawfully convicted, he, she, or they so giving false Evidence shall be subject to the same Penalty as Persons guilty of Perjury are by the Laws in being subject and liable to.

Distress not unlawful for Want of Form.

LXXXV. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied under the Authority of this Act, or any Order or Bye Law made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceeding relating thereto, nor a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for special Damages by any Action on the Case.

Proceedings not to be quashed for Want of Form, or removed by Certiorari.

LXXXVI. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender against this Act, or against any Order or Bye Law made in pursuance thereof, nor any Judgment or Determination to be made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Directing what shall be deemed a Service of Notices, &c. on the Company.

LXXXVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other Proceedings, either at Law or in Equity, the Service thereof upon the Clerk of the said Company, or at any of the Offices of the said Company, or left at the last or usual Place of Abode of the Clerk of the said Company, or Service upon any Agent or other Officer employed by the said Company, or upon any One of the said Directors, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Expences of the Act how to be paid.

LXXXVIII. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act shall be paid and discharged by the said Company out of the Monies already subscribed by virtue of this Act, in preference to all other Payments whatsoever.

Not to prejudice the Rights of the Lord of the Manor.

LXXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice, or destroy any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, or lawful Customs, belonging, due, or in anywise appertaining to the Lord or Lords of the Manor or reputed Manor of *Bury* aforesaid, in any Capacity whatsoever; but all and every such Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, and Customs may be exercised, demanded, exacted, received, and enjoyed in as full and ample Manner to all Intents and Purposes as the same were enjoyed before the passing of this Act.

Public Act.

XC. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1828.