ANNO PRIMO

GEORGII IV. REGIS.

Cap. ix.

An Act for lighting with Gas the Borough of *Derby*.

[22d *June* 1820.]

WHEREAS the Borough of *Derby*, in the County of *Derby*, is large and populous, and it would be of great Advantage to the Burgesses and Inhabitants thereof, and to the Public at large, if the Streets and other public Passages and Places were better lighted: And whereas Carburetted Hydrogen or Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be procured from Coal and other Substances: And whereas the said Gas being conveyed by Means of Pipes, may be safely and beneficially used for lighting the several Streets, Highways, Squares, Market Places, and other Places within the said Borough, Liberties, Precincts, Parishes, and Places, and for lighting Shops and private Houses and Buildings; and the Coke may be beneficially employed as Fuel in private Houses and Manufactories; 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 beneficial Purposes aforesaid; but the same cannot be fully and completely carried into Execution without the 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

Proprietors incorporated into a Company.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Abbott*, *Thomas Allsopp*, *Robert Allkin*, *Richard Brown*, *Joseph Bainbrigge*, *George Barnett*, *George Bakewell*, *Kenneth Bayne*, *Ann Boott*, *Thomas Bridgett*, *Caleb Evans Birt*, *Thomas Bridgen*, *Robert Bennett*, *Sarah Bennett*, *Ann Bennett*, *Bryan Thomas Balguy*, *Anthony Bassano*, *Robert Bromley*, *John Byng*, *Thomas Bowmer*, *Henry Browne*, *Robert Dowman Battelle*, *James Brassington*, *George Butterworth*, *Richard Boden*, *Mary Bassano*, *William Barton*, *John Brocksop*, *William Blundstone*, *Charles Buckley*, *John Brookhouse*, *Roger Cox*, *John Cox*, *Edward Calvert*, *John Chatterton*, *Charles Callow*, *James Cowlishaw*, *Thomas Cox*, *Henry Cox*, *George Cox*, *Charles Clarke*, *Francis Chollerton*, *Mary Clay*, *John Crompton*, *Elizabeth Crompton*, *John Bell Crompton*, *John Clark*, *Thomas Chell*, *Thomas Cooper*, *Thomas Darby*, *John Drewry*, *Thomas Davis*, *Elizabeth Dexter*, *John Dawson*, *Elizabeth Ellwood*, *Walter Evans*, *William Evans*, *Samuel Evans*, *William Edwards*, *Thomas Eaton*, *Richard Forester Forester* M. D., *Florence Matilda Fallows*, *Francis Fox* the younger, *Isaac Fisher*, *Sarah Frear*, *Samuel Fox*, *Thomas Gillam*, *Benjamin Gilbert*, *William Goodwin*, *Richard Bennett Goodwin*, *George Godwin*, *Edward Gadsby*, *Thomas Glover*, *William Genn*, *William Greatorex*, *Samuel Gaskell*, *John Green*, *William Hancock*, Reverend *Edward Higginson*, *William Harrison*, *John Heathcote*, *Mary Harrison*, *John Horrocks*, *George Hood*, *William Holmes*, *Joseph Handford*, *William Harding*, *John Harrison*, *John Holmes*, *Ann Hudson*, *James Hendley*, *John Hackett*, *Joseph Hall*, *John Hoare*, *Charles Holmes*, *Moses Harvey*, *Nathaniel Holmes*, *Joseph Humpston*, *Anne Henley*, *Francis Hood*, *John Harrison* (Attorney,) *William Hall*, *John Hall*, *Elizabeth Harrison*, *James Holloway*, *George Harris*, *Michael Hallam*, *Thomas Johnson*, *Elizabeth Johnns*, *William Johnson*, *Charles Lakin*, *Thomas Lowe*, *Henry Lowe*, *Charles Lowe*, *George Lowe*, *William Jeffery Lockett*, *Joseph Lord*, *Richard Leaper*, *John Matchitt*, *Margaret Morley*, *John Mawe*, *William Eaton Mousley*, *John Moffatt*, *Thomas Mason*, *Thomas Newton*, *James Oakes*, *Joseph Osborne*, *Henry Orton*, *William Parker*, *John Peach*, *John Page*, *Henry Pilkington*, *Sinckler Porter*, *Mary Pilkington*, *Eleanor Pilkington*, *Joseph Peach*, *James Peat*, *Samuel Rowland*, *Katharine Richardson*, *Thomas Richardson*, *John Radford*, *Peter Riding*, *Francis Rowlston*, *William Strutt*, *Charles Sylvester*, *James Storer*, *John Storer*, *William Stevenson*, *Joseph Smith*, *John Sandars*, *William George Spencer*, *William Sowter*, *Henry Spencer*, *William Slater*, *Francis Severne*, *Joseph Strutt*, *William Shaw*, *Thomas Sale*, *James Blythe Simpson*, *Matthew Spencer*, *Stephen Saunderson*, *John Sperry*, *William Searl*, *James Shipley*, *William Sims*, *John Stanton*, *Thomas Symons*, *Jane Smith*, *William Smith*, *James Sadler*, *Robert Seal*, *John Smith*, *Thomas Tunaley*, *William Turner*, *Robert Tunaley*, *Thomas Topham*, *Sarah Thompson*, *John Tooby*, *Thomas Taylor*, *William Taylor*, *John Wright*, *Thomas Wright*, *Samuel Wright*, *Anne Wright*, *Elizabeth Wright*, *Elizabeth Wright* the younger, *Gregory Winrow*, *Thomas Wheeldon*, *William Wigston*, *John Weatherhead*, *Robert Ward*, *Maria Eliza Ward*, *Sarah Wightman*, *George Wilkins*, *John Wood*, *John Ward*, *Jeremiah Webster*, *Francis Yeomans*, *Edward Yeomans*, *Thomas Yeomans*, and all and every such other Person or Persons as from Time to Time shall become a Subscriber or Subscribers, and be duly admitted 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, and

Company of Proprietors, by the Name of *The Derby 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 that the said Company of Proprietors shall be established for the Purpose of producing Carburetted Hydrogen or Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and other Products from Coal and other Substances, and for lighting the said Borough of *Derby* with Gas; and shall have full Power from Time to Time to make Contracts, or agree with the Commissioners acting under the Authority of an Act passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving, lighting, and otherwise improving the Streets, Lanes, and other public Passages and Places within the Borough of* Derby, *and for selling a certain Piece of Waste Ground, situate within the said Borough, called* Nuns Green, *towards defraying the Expence of the said Improvement*, or any other Act which shall hereafter be in force for paving and lighting the said Borough of *Derby*, or with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, or Corporation or Corporations Aggregate or Sole, who may be willing and desirous of contracting or agreeing with the said Company of Proprietors, for the lighting with Gas such Borough, or any of the Streets, Squares, Lanes, Roads, Passages, or other public Places therein, or any Churches or Chapels, or any Theatres or Places of public Amusement, Manufactories, Shops, Inns, Taverns, Dwelling Houses, Buildings, or other private Places within the said Borough, and to sell and dispose of such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and all other Products as aforesaid, under such Conditions, Limitations, and Restrictions as shall be herein-after expressed.

Their Style.

32 G. 3. c. 78.

II. And be it further enacted, That in order to enable the said Company to construct or make Gasometers and other necessary Works, and to erect any Manufactory or Manufactories, or other Buildings, for the Purposes of this Act, it shall and may be lawful to and for the said Company, or their Committee of Management for the Time being, to be appointed in pursuance of this Act, and they are hereby respectively empowered, to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said Borough, not exceeding the Quantity of Two Statute Acres in the Whole, with any Body Politic, Corporate or Collegiate, 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, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or 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, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Persons under any Disability of acting for themselves, who are or shall be seised, possessed of, or interested in their own Right, or with any Person or Persons whomsoever, who shall be willing to sell the same, or his, her, or their Right and Interest therein, for the Uses and Purposes of this Act; and upon Payment of the Purchase Money for any

Power to contract for the Purchase of Lands and Buildings.

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 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 be vested in the *Derby* Gas Light and Coke Company, and their Successors; and it shall and may be lawful to and for the said Company of Proprietors to hold such Lands, Tenements, and Hereditaments, and any Term, Right, and Interest therein so purchased, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever.

Bodies Politic, &c. empowered to sell.

III. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, 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 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, whether Infants or Issue unborn, Lunatics, Idiots or Femes Covert, or other Persons under any Disability of acting for themselves, who are or shall be seised, possessed of, or interested in their own Right, and 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 shall be thought necessary by the said Company of Proprietors to be purchased for the Uses and Purposes of this Act, and to treat, contract, and agree with the said Company, or their said Committee of Management, 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 of Proprietors and their Successors, for the Purposes of this Act; and all Contracts, Bargains, Sales and Conveyances, which shall be so made by virtue and in pursuance 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 and respective 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 all Dower of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder or Expectancy, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, 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

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.

Directing Application of Purchase Money when amounting to 200l. and upwards.

IV. And be it further enacted, That if any Money shall be contracted and agreed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Corporate, Collegiate or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money, in case the same shall amount to or exceed the Sum of Two hundred Pounds, shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* 'The *Derby* Gas Light and Coke Company,' together with the Name or Names of such Person or Persons, as any Three or more of the Committee of Management of the said Company, shall, by Writing signed by them, direct and appoint, 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 Approbation 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 of Chancery, upon Application made thereto as aforesaid, 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.

Directing Application of Purchase Money when less than

V. Provided always, and be it further enacted, That if any Money so contracted and agreed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to

200l. and exceeding 20l.

to any Body 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as 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 by Three or more of the said Committee of Management (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any 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 High Court of Chancery.

Directing Application of Purchase Money not exceeding 20l.

VI. Provided also, and be it further enacted, That where such Money so contracted and agreed to be paid as last-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, Tenements, or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Committee of Management, or any Three or more of them, shall think fit; or in Cases of Infancy 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 Party in Possession to be deemed the Owner.

VII. Provided always, 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 said Accountant General of the High Court of Chancery, 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 in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or 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 shewn to the Satisfaction of the said High Court of Chancery; 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 Posssession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

Expences of Puchasers may be allowed by the Court.

VIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or 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 Bank of *England*, 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 High Court of Chancery 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 the said Company of Proprietors 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 vested in the said Company.

IX. 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 of Proprietors, to the Party or Parties, or Person or Persons respectively entitled to such Monies, or their Agents, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in Manner herein-before directed, and upon the Conveyance in Manner herein-after directed, of such Lands, Tenements, or Hereditaments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and 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 of Proprietors and their Sucessors for ever, for effecting the Uses and Purposes of this Act.

X. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Company of Proprietors 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 consi-
‘ deration of the Sum of to
‘ me [*or* us] paid by the *Derby* Gas Light and Coke Company, do here-
‘ by grant and release [*or* assign, *as the Case may be*] to the said Com-
‘ pany of Proprietors and their Successors, all [*here describe the Pre-*
‘ *mises 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,*] dur-
‘ ing all the Remainder of my Term, Estate, and Interest in the said Pre-
‘ mises. In witness whereof, I [*or* we] have hereunto set my Hand and
‘ Seal, [*or* our Hands and Seals] *or*, our Common Seal, *as the Case may*
‘ *be,*] this Day of in the Year of our Lord
‘ One thousand eight hundred and .’

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever, as to and against the Person or Persons making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming or to claim, by, from, under,

under, or in trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy as aforesaid, and the same shall be deemed and construed to bar all the Dower of the Wife and Wives 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, Usage or Custom to the contrary thereof notwithstanding.

Empowering Company to resell Lands, &c. not wanted.

XI. And whereas the said Company of Proprietors, under the Provisions of this Act, may purchase Lands, Tenements, or Hereditaments which may be found not necessary or not wanted for the Purposes thereof; be it therefore further enacted, That it shall and may be lawful for the said Company 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 Consideration in Money, all or any Part or Parts of the Lands, Tenements, and 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 and may be lawful for the Treasurer 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 sufficient Discharges to any Person or Persons for the Money therein and thereby expressed or acknowleged to be received; and such Person or Persons having *bonâ fide* paid the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

Subscriptions for Joint Stock not to exceed 10,000*l.*

XII. And be it further enacted, That the Sum of Ten thousand Pounds Sterling, which has already been subscribed for the Purposes of this Act, by the several Persons herein-before particularly named, shall be the Capital or Joint Stock of the said Company.

Subscribers to share in the Stock in Proportion to their Subscriptions.

XIII. And be it further enacted, That all and every Person or Persons by or for whom any Subscription shall have been made or accepted, or any Payment made pursuant to the Orders of any Meeting or Meetings to be held for that Purpose, by the Committee of Management, to be appointed as herein-after mentioned, for or towards the raising of the said Capital Sum of Ten thousand Pounds as aforesaid, his, her, or their Executors, Administrators, and Assigns respectively, 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 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 the same.

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

XIV. And be it further enacted, That the Lands and Hereditaments, Manufactories, Gasometers, Machinery, Apparatus, and Works of the said Company, shall be liable and answerable for the just Debts and Demands of the Creditors of the said Company; and that the several Persons composing the said Company shall respectively stand responsible and

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 said Capital or Joint Stock.

Stock to be divided into Shares of 50*l.* each, and be Personal Estate.

XV. And be it further enacted, That the said Sum of Ten thousand Pounds shall be divided into Shares of Fifty Pounds Sterling each, and that no Person or Persons shall be a Subscriber or Subscribers for a less Sum than Fifty Pounds Sterling, and that all Shares in the said Undertaking, and in 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: Provided nevertheless, that no Person shall at any Time hereafter hold more than Ten Shares in the said Undertaking, otherwise than by Devise, or by virtue of the Statutes of Distribution of Intestates Effects.

Power to raise more if required, by Loan or new Shares.

XVI. And be it further enacted, That in case the aforesaid Sum of Ten thousand 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 their said Undertaking, not exceeding in the Whole the Sum of Ten thousand Pounds, either by way of Loan on Security of the Property and Effects belonging to the said Company, or by raising and creating new and additional Shares in the said Concern, or by both of the said Ways and Methods; 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 Ten thousand Pounds by way of Loan, then it shall be lawful for the said Company, or their said Committee of Management 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, and Trade thereof, for the Repayment of the Sum or Sums so borrowed, with Interest for the same; 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 Ten thousand Pounds by the Creation of new and additional Shares in the said Concern, then it shall be lawful for the said Company to raise the same amongst themselves, in such Proportions as to them shall seem meet, and for such Purpose to create such Number of new and additional Shares of Fifty Pounds each, as may be deemed expedient; and every Subscriber towards raising such further Sum by Shares, shall be a Proprietor in the said Undertaking, and stand interested in all the Profits, Privileges, and Advantages of the said Undertaking, and shall be liable to the like Burthens, in proportion to the Amount of his or her Subscription, as generally and extensively to all Intents and Purposes, as if the same had been originally Part of the said Capital Stock of Ten thousand Pounds; any thing herein contained to the contrary thereof in anywise notwithstanding.

For enforcing Payment of the Sums subscribed.

XVII. And be it further enacted, That the several Persons who have already subscribed for and towards the said Undertakings, 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 of Management 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 of Management 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 any 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.

XVIII. And be it further enacted, That the said Company of Proprietors, or their said Committee of Management 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 of 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 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.

First and other General Meetings of Proprietors.

XIX. And be it further enacted, That the said Company of Proprietors shall meet together at some convenient Place within the said Borough, within Thirty Days next after the passing of this Act, between the Hours of Eleven in the Forenoon and One 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 Place or such other convenient Place in the said Borough as the said Proprietors shall think proper; and that from and after the said First General Meeting of the said Company of Proprietors, there shall be in each Year Two General Meetings of the said Company, that is to say, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, or within Ten Days next after such Days respectively, and also such and so many Special General Meetings of the said Proprietors as shall be called by the Committee of Management, as herein-after provided; of which several Half-yearly General Meetings and Special General Meetings, Ten Days public Notice at the least shall be given by Advertisement

vertisement in the *Derby* Newspaper (and which said Notice shall specify the Purpose for which any such Special General Meetings are called); and the First Half-yearly General Meeting to be holden by virtue of this Act shall be holden on the Twenty-ninth Day of *September* next, or within Ten Days next after the same; and that all such Half-yearly General Meetings and Special General Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and that at all such Meetings of the said Proprietors to be held as aforesaid, the Proprietors then present not being fewer in Number than Five, 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, (Five Proprietors being hereby declared sufficient in all Cases to proceed to Business, and Two Proprietors being hereby declared sufficient for the Purpose of Adjournment only), then and 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 Meeting ought to have been held as aforesaid.

General Meetings may make Bye-Laws.

XX. 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 as aforesaid, to make such Rules, Orders, and Bye Laws, as to them shall seem meet and proper for the good Government of the said Undertaking, and for regulating the Proceedings of their Committee of Management, 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 thereto affixed), 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 be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or any of the express 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.

Regulations as to Genera Meetings, and Manner of voting.

XXI. 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 in Person, according to their respective Number of Shares; (that is to say), One Vote may be given for and in respect of every Share; and the Chairman of every such Meeting shall not only be entitled to vote in respect of his Shares, but in case of an Equality of Votes, shall also have an additional or casting Vote; 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 may possess in the said Undertaking,

dertaking, 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 of Management 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.

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

XXII. 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, as one of the joint Proprietors of such Share or Shares, 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.

General Meetings may appoint a Treasurer and Clerk.

XXIII. 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 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 hereinbefore 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 and Clerk of the said Company, in the Room of such of the said Officers as 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 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.

Offices of Clerk and Treasurer not to be held by one Person.

XXIV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

XXV. And

Appointment of Committee of Management, Officers, &c.

XXV. And be it further enacted, That the said Company of Proprietors, or any Five or more of them, present at such First General Meeting or Meetings as aforesaid, or at some Adjournment thereof, shall and may proceed to elect Fifteen of the said Proprietors, to form and become the Committee of Management, for managing the Affairs of the said Company, by a Majority of Votes of the Proprietors present, according to their respective Number of Votes, such Votes to be taken by Ballot; and in case such Votes shall be equal, then the Chairman to be first elected and appointed at such Meeting, and at every other Meeting to be held in pursuance of this Act, shall have a casting Vote.

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

XXVI. Provided always, and be it further enacted, That if any Person hereby nominated, or who shall be elected a Member of the said Committee of Management, 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 and 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 of Management; and that 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 in 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, or be disqualified as aforesaid, and thereupon another Proprietor shall be elected in the Stead of such defaulting Member.

Vacancies in the Committee how to be filled up.

XXVII. And be it further enacted, That when and so often as any Member or Members of the Committee of Management, hereby nominated and appointed, or to be elected and appointed by virtue of this Act, shall die or become disqualified, or refuse or neglect to act, it shall be lawful for the said Company, at the next General Meeting of the said Proprietors, to be held pursuant to the Directions of this Act, to elect and appoint some other of the said Proprietor or Proprietors to be a Member or Members of the said Committee of Management; and every such Proprietor, so elected and appointed to fill such Vacancy or Vacancies, and being duly qualified, shall continue in his or their several and respective Office and Offices, so long as the Person in whose Place or Stead he was elected would have been entitled under the Provisions of this Act to have continued in Office, if such Death, Disqualification, Refusal, or Neglect, had not happened.

Members of the Committee to serve Three Years, &c.

XXVIII. And be it further enacted, That the several Members of the First Committee of Management shall continue in Office for the Term of Three Years from the Day of their Election, and until others shall be appointed in their Stead, in pursuance of this Act; and at the Expiration of the said Term, Five of the Members of the said Committee shall go out of Office by Ballot, and Five Persons duly qualified shall, in Manner herein-before mentioned, be elected and appointed Members of the said Committee; and on the Twenty-ninth Day of *September* in the then following Year, or within Ten Days thereof, Five others of the said Members shall go out of Office by Ballot, and their Places be supplied in like Manner; and on the Twenty-ninth Day of *September* in the then follow-

ing Year, or within Ten Days thereof, the last Five of the said Members shall go out of Office, and their Places be supplied in like Manner; and on the Twenty-ninth Day of *September* in every subsequent Year, or within Ten Days thereof, Five of the Members of the said Committee who shall have been longest in Office shall go out of Office, and their Places be supplied in like Manner; and every such Election of Members of the said Committee of Management shall be made at some General Meeting of the said Company, to be held pursuant to the Directions of this Act.

Members may be re-elected.

XXIX. Provided always, and be it further enacted, That the Person or Persons who shall have served or acted upon the said Committee, and who by the Expiration of the said Term of Service, Rotation, or otherwise, shall go out of Office, shall and may, notwithstanding such Service, or the Expiration of such Term, if otherwise properly qualified, be eligible to be re-elected to, and to serve or act as a Member or Members of the said Committee of Management.

Meetings of Committee, and Regulations for their Proceedings.

XXX. And be it further enacted, That the said Committee of Management shall hold their First Meeting within Fourteen Days next after their being appointed, at such Place within the said Borough as they shall think proper, and shall then and there proceed in the Execution of this Act, 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 Borough, as they shall think fit; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Management at any of their Meetings, shall be decided and determined by the Majority in Number of Members present (the Number present not being less than Three); 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 Three Members qualified to vote shall not attend, then and in such Case the Meeting shall be adjourned till the next Day, if not a *Sunday*, and if the next Day should be a *Sunday*, then to the *Monday* following, by the Member or Members then present, or if none be present, then by the Clerk of the said Company, or such other Person as shall attend in his Place; and that any Two or more Members of the Committee may, at any Time when they shall think fit, call a Meeting of the Committee, by causing Three Days 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; and also renew the Meetings of the Committee, though they may have been discontinued for Want of Adjournment, or to institute a new Meeting independent of any Meeting appointed by Adjournment.

Power of Committee.

XXXI. And be it further enacted, That the Committee of Management 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, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places in the said Borough of holding General and Special Meetings, and to direct the Affairs and Business of the said Company, as well in issuing, receiving,

ing, 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 Agreements or Contracts for lighting with Gas the said Borough, and the Limits, Liberties, and Precincts thereof as aforesaid, or any of such Streets, Market Places, Shops, Inns, Taverns, 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, or 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 no Sum or Sums of Money shall be issued by the Treasurer or Treasurers, or any other Officer or Officers to be appointed by the said Company, on account of the said Company, without an Order or Orders in Writing, signed by the Chairman of the said Committee of Management for the Time being, and Two Members at the least of the said Committee, present at some Meeting of the said Committee of Management; and the said Committee of Management 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 Duties, as they may think proper or reasonable,

Proceedings to be entered in Books, signed by the Chairman.

XXXII. And be it further enacted, That all Orders and Proceedings of the said Company of Proprietors, and of the Committee of Management, 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 paid.

XXXIII. And be it further enacted, That the said Company of Proprietors, or their Committee of Management for the Time being, shall have full Power and Authority to make such Call or Calls for Money from the several Proprietors or Subscribers of Shares in the said Undertaking, their Executors, Administrators, Successors, and Assigns, as the said Company or their said Committee of Management shall from Time to Time find expedient for the Purpose of the said Undertaking, so that no one such Call do exceed Five Pounds upon each Share of Fifty 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 that the several Sums of Money which shall be so called for shall

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 Management, 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 of Management shall direct in that Behalf; and that 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 Two 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 that 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 go to and make Part of the Capital or Joint Stock of the said Company, but nevertheless no Advantage shall be taken of any such Forfeiture of any Share or Shares, until after Ten 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, nor unless the same Share or Shares shall be declared to be forfeited at some General or Special Assembly of the said Proprietors, held not sooner than Two Calendar Months 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 at Law or in Equity, for any Breach of Contract between such Proprietor or Proprietors so forfeiting, and the said Company, in regard to the future Prosecution of the said Undertaking.

Forfeiture of Shares.

Executors, &c. of deceased Proprietors indemnified for paying Calls.

XXXIV. And be it further enacted, That if any Person who shall be a Subscriber or Proprietor of any Share or Shares in the said Undertaking, shall die before Payment shall have been made by him or her of the full Amount, which under the Provisions of this Act may be called for by the said Company, in respect of such Share or Shares in manner aforesaid, without having made any sufficient and effectual Provision by Will or otherwise, how the future Calls in respect of such Share or Shares are to be answered and satisfied, then and in every such Case the Executors or Administrators of such deceased Subscriber or Proprietor, and the Trustees or Guardians of any Infant or other Person entitled to the Estate and Effects of such deceased Subscriber or Proprietor respectively, shall be fully indemnified against such Infant, and all Persons whomsoever, in paying any Money which shall be duly called for in respect of such Share or Shares as aforesaid.

For ascertaining the Proprietorship of Shares in certain Cases.

XXXV. 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 to 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 the Cases aforesaid, where the Right and Property in one or more Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof, in the Form and Manner herein specified, an Affidavit shall be made and sworn to by Two credible Persons, before a Master Extraordinary of His Majesty's High Court of Chancery, or one of His Majesty's Justices of the Peace, 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 that such Affidavit shall be transmited to the Clerk of the said Company, to the Intent that he 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 to the said Company; and that in all or any of the said Cases, after Three Calendar Months Notice in Writing shall have been given by the said Clerk to the Owner or Owners, or Person or Persons claiming by such Affidavit to be Owner or Owners thereof, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money so to be called for, and such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the Subscribers and Proprietors, at any General Meeting after the Expiration of such Notice, to declare at any General Meeting, the same Share or Shares to be forfeited; and that in such Case, the same shall be and become forfeited, and shall and may be sold and disposed of, in such Manner as the said Subscribers and Proprietors, at any Meeting or Meetings, shall direct, or otherwise become consolidated in the General Fund of the said Company.

Shares may be transferred.

XXXVI. And be it further enacted, That it shall be lawful for the several Proprietors of 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 and 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 *Derby* Gas Light and Coke Company,' being my [*or* our]
'Share

‘ 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, sub-
‘ ject to the same Rules, Orders, Restrictions, and Conditions. As wit-
‘ ness 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 or registered in the Books of the said Company; and the Entry or Registry thereof shall specify the Date, Names of the Parties, and the Number of Shares transferred, for which Entry or Registry the Sum of Five Shillings shall be paid to the Clerk or other Officer making the same, and a Copy of such Register, signed by the Clerk or Officer of the said Company, duly authorized thereto, shall be 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 that until such Transfer shall be entered or registered in the Books of the said Company as aforesaid, no Purchaser or Purchasers of any Share or Shares, their Executors, Administrators, Successors, or 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 the said Undertaking.

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

XXXVII. Provided always, and be it further enacted, That when any 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 the Payment of the said Call, until the Money so called for in respect of his, her, or their Share or Shares intended to be sold shall have been paid; and that until such Money so called for shall be paid, any such Sale or Transfer of the same Share or Shares shall be void.

Dividends to be made yearly.

XXXVIII. And be it further enacted, That on the Twenty-fifth Day of *March* in every Year, or within Fourteen Days of the same, a yearly Dividend or Dividends shall be made by the Committee of Management for the Time being, out of the clear Profits of the said Undertaking, at a Meeting of the said Company, to be held at such Time as last aforesaid, unless the Proprietors of the said Undertaking shall at such Meeting declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much for every Fifty Pounds upon all and every Sum and Sums of Money paid to the said Company by such Proprietors, their Executors, Administrators, Successors and Assigns, as the said Company shall think fit at such Meeting or Meetings to appoint and determine: Provided always, that no Dividend shall be declared made or paid for Twelve Months after the passing of this Act.

Profits not to exceed 5*l.* per Share per Annum.

XXXIX. Provided always, and be it further enacted, That the Dividends on the clear Profits to be received by the said Company of Proprietors

from the said Undertaking, shall never exceed Five Pounds *per Annum* upon each Share of Fifty Pounds, unless a larger Dividend shall at any Time be necessary to make up the Deficiency of any previous Dividend or Dividends, when such previous Dividend or Dividends shall have fallen short of Five Pounds *per Annum* upon each Share of Fifty Pounds subscribed for the Purpose of the said Undertaking, such Dividend or Dividends being computed from the Time of passing this Act; and in order to ascertain the Amount of the clear Profits of the said Undertaking, the said Company shall and are hereby required, from the Time of passing this Act, to cause a true, exact, and particular Account to be kept, and annually made up and balanced to the Twenty-fifth Day of *March* in each Year, of the Money collected or received by them, or for their Use, by virtue of this Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Works; and if the clear Profits of the said Undertaking shall at any Time amount to a larger Sum of Money than shall be sufficient to make a Distribution amongst the said Proprietors of Five Pounds *per Annum* upon every such Share, such Per-centage to be computed and take place from the Time of passing this Act, then and in such Case the Excess or Surplus which shall be more than sufficient for the Purposes aforesaid shall from Time to Time be placed in the Hands of such Person or Persons, or on such Government or other Security or Securities, to answer any Deficiencies that may happen in the next or any succeeding Year or Years, as the said Company shall for that Purpose order or direct, until such Excess or Surplus shall amount to the Sum of One thousand Pounds; and the Interest or Dividends of such Sum or Sums so to be invested shall be paid and applied in like Manner as the Money to be received by or for the Use of the said Company, by virtue of this Act, is to be paid or applied; and every such annual Account as aforesaid, together with an Account of the Dividends and Interest to be from Time to Time received on all such Money, so to be placed out as aforesaid, shall be laid before the Justices of the Peace, at their *Michaelmas* Quarter Sessions to be holden for the said Borough of *Derby* next after the making up of every such annual Account; and if by any such annual Accounts it shall appear to the Justices at such Sessions, that there is a Surplus Profit from the said Undertaking to the Amount of One thousand Pounds, or more, after paying a Dividend of Five Pounds *per Annum* upon every Share of Fifty Pounds on the said Joint Stock, then and in every such Case, the said Committee of Management for the Time being shall and are hereby authorized and required, by an Order to be made at such Sessions, or at any Adjournment thereof, to make such Reduction, and in such Proportions and Manner, in the Price or Prices of Gas to be furnished by the said Company for One Year then next, as the said Committee of Management shall think proper, the Reduction not being such as to leave the Price of Gas lower than after the Rate of Seven Shillings and Sixpence for One thousand Cubic Feet of such Gas, unless such Rate shall be dearer than could then be afforded from Oil, then the same shall be reduced to that Rate, or so as that by such Reduction, the clear Profits of the said Company for that Year, may not, in the Judgment of the said Justices, be sufficient to pay the Sum of Five Pounds *per Annum* upon every Share of Fifty Pounds in the said Joint Stock, over and above such surplus Profits as aforesaid: Provided always nevertheless, that if by Accident or any unforeseen Event which shall happen to the Works of the said Company, or to any Apparatus belonging

belonging thereto, and by the Allowance of such Reduction in the Rates or Prices of Gas as aforesaid, the said Sum of One thousand Pounds, the Excess or Surplus of the said Capital or Joint Stock of the said Company, shall be reduced to a less Sum than Eight hundred Pounds, then and in every such Case it shall and may be lawful for the said Committee of Management for the Time being, and they are hereby authorized and required, by an Order to be made at any Sessions to be holden for the said Borough of *Derby* next after the making up of the then current annual Account, or of any Adjournment thereof, to make such Increase in the Rates, in such Proportions and in such Manner as the said Committee of Management shall think proper, in the Price or Prices of Gas, to be furnished by the said Company, as in the Judgment of the said Justices will be sufficient to restore the said Excess or Surplus Capital to the Sum of One thousand Pounds at the least, and also be sufficient to make a Dividend of the clear Profits of the said Company to as near Five Pounds *per Annum* upon every such Share as may be; and for the better ascertaining the Truth of the said Accounts, it shall be lawful for the Justices of the Peace, at any such General Quarter Sessions as aforesaid, when and as often as they shall think fit, to authorize any Person to examine the Books in which the said Accounts shall be entered and kept, and to take Copies thereof, or such Extracts therefrom as they shall think proper; and every such Person shall be permitted at all seasonable Times to examine such Books, and to take such Copies or Extracts as aforesaid, without paying any thing for the same; and the Justices at any such Sessions may examine any Witnesses upon Oath touching the Truth of the said Accounts.

Power for the Company to pay off the Subscriptions by Instalments of 25*l.* per Cent. after they shall have received a Dividend of 5*l.* for each Share of 50*l.*, and 1,000*l.* shall have been funded for Contingencies, and the Price of Gas reduced.

XL. And whereas it would be greatly for the Benefit and Advantage of the Inhabitants of the said Borough of *Derby*, if the Profits of the said Undertaking, after paying a Dividend of Five Pounds *per Annum* upon every Share of Fifty Pounds on the said Joint Stock, and providing the said Sum of One thousand Pounds to answer any Deficiencies that may happen to the said Undertaking as aforesaid, and reducing the Price of Gas to or after the Rate herein-before mentioned, were by Accumulation sufficient for, and the same were appropriated and applied towards paying off and discharging the Sum and Sums of Money which have been or shall be hereafter subscribed and advanced for the Purposes of this Act; be it therefore enacted, That from and immediately after the Price of Gas to be furnished by the said Company shall be reduced to and charged by them at the Rate of Seven Shillings and Sixpence for One thousand Cubic Feet thereof, such Rate being cheaper than could be afforded from Oil, and the said Company of Proprietor shall have received a Dividend of Five Pounds upon each Share of Fifty Pounds so subscribed as aforesaid, and the said Sum of One thousand Pounds shall have accumulated and been funded for Contingencies as aforesaid, the then Surplus Profits shall be an accumulating Fund for the Purposes herein-after specified; and that when it shall appear to the said Justices of the Peace for the said Borough, by such annual Accounts as aforesaid, that such accumulated Fund shall be equal to the Discharge of Twenty-five Pounds *per Centum* upon the Money which shall have been advanced or subscribed for the Purposes of the said Undertaking, it shall and may be lawful to and for the said Justices, and they are hereby required, at their *Michaelmas* Quarter Sessions, or any Adjournment thereof, to order and direct such accumulated

accumulated Fund to be appropriated and applied in the Redemption, paying off, and discharging, to the Amount of Twenty-five Pounds *per Centum* on the several and respective Shares of the Proprietors for the Time being of and in the said Joint Stock; and that when and so often as by any such annual Accounts as aforesaid, it shall appear to the said Justices of the said Borough, at their *Michaelmas* Quarter Sessions, or any Adjournment thereof, that there is, after paying such Dividends as the Proprietors in the said Joint Stock shall by the Provisions of this Act be then entitled to, and providing the said Sum of One thousand Pounds for Contingencies as aforesaid, and furnishing Gas at the reduced Price aforesaid, a further accumulated Fund that shall be equal to the Discharge of Twenty-five Pounds *per Centum* on the then unredeemed Portion of the Money which shall have been advanced and subscribed for as aforesaid, it shall and may be lawful to and for the said Justices, and they are hereby required to order and direct such last-mentioned acumulated Fund to be appropriated and applied in like Manner in the Redemption, paying off and discharging, a further Sum of Twenty-five Pounds *per Centum* on the then unredeemed Portion of the Shares of the Proprietors for the Time being of and in the said Joint Stock, and so on in like Manner, from Time to Time, until the Whole thereof together with Interest after the Rate and in Manner aforesaid, shall be fully paid off and discharged; and that when and so soon as the said Company of Proprietors shall have received the Whole of the Sums of Money which shall have been by them subscribed and advanced for the Purposes of this Act as aforesaid, with Interest for the same after the Rate and in Manner herein-before stipulated, the said Company of Proprietors, their Successors, Executors, Administrators, and Assigns, shall not have or be entitled to receive any further Interest, Dividends, or Profits, which shall arise from the future carrying on the said Undertaking; and that no higher Rate or Price for Gas shall from thenceforth be demanded or taken than shall be sufficient for the Purpose of supporting, extending, and carrying on the said Undertaking.

Power to break up the Soil, Pavements of Streets, &c.

XLI. 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 mentioned, by their Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers and Buildings, Cisterns, Engines, Machines, and other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works; and to sink and lay Pipes of such Construction and in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into Execution; and also in a careful and workmanlike Manner, doing thereby as little Damage as may be, to break up the Soil, Pitchings, and Pavements of any Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages, within the said Borough, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Drain Boxes, Plugs, or Branches from such Pipes; in, under, across, and along such Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages, 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, Drain Boxes, and Plugs or Branches; and also to make

such Sewers or Cuts, of such Breadth, Depth, and Dimensions, and in such Manner as shall be deemed expedient, under the Streets, Lanes, and other public Places within the said Borough, for the Purpose of carrying off the Washings and waste Liquids which may arise in the Prosecution of the Works aforesaid; and also to alter or amend any Work which shall have been placed when and where the same shall be bad and imperfect; and to do all such other Acts, Matters, and Things, of the same or the like Nature, as shall from Time to Time be necessary and convenient for the Purposes of carrying this Act into Execution: Provided always, that the Soil, Pitchings, and Pavements of any Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages, within the present or future Jurisdiction of the Mayor and Burgesses of the Borough of *Derby* aforesaid, or the Commissioners acting under the said recited Act, for paving and lighting the said Borough, or the Trustees or Surveyors under whose Care or Superintendence the same Streets, Highways, Roads, Ways, Footpaths, Lanes, and Passages, or any of them respectively, may be for the Time being, shall be broken up only under the Inspection of the Surveyors or Agents acting for the said Mayor and Burgesses, Commissioners, Trustees, or Surveyors of Highways respectively, (Emergencies excepted).

Liberty to proceed without Direction of Commissioners after Notice.

XLII. Provided always, and be it further enacted, That in case the said Mayor and Burgesses, Commissioners, Trustees, or Surveyors of Highways shall neglect or refuse to inspect any of the Works hereinbefore authorized to be executed under their Inspection as aforesaid, after being thereunto required by Notice in Writing from the Clerk or any Engineer of the said Company, given to or left at their respective Places of Abode, at least Twenty-four Hours before any such Work shall be done (except in Cases of Emergency arising from Defects in any Trenches, Mains, Pipes, Drain Boxes, Stopcocks, Plugs, or Branches, when Two Hours Notice shall be deemed sufficient) then the said Company, or their Committee of Management for the Time being, are hereby fully authorized to do and perform the Works specified in such Notice, without the Inspection of the said Mayor and Burgesses, Commissioners, Trustees, or Surveyors of Highways, or other Persons so acting as aforesaid; and provided likewise, that the Regulations herein-before contained shall not extend or be construed to prevent the said Company or their said Committee of Management, from doing all such Repairs as shall from Time to Time be requisite and necessary to be done in and about any of their Works, which shall have been originally executed under the Direction of the said Mayor and Burgesses, Commissioners, Trustees, or Surveyors of Highways, or such other Persons so acting as aforesaid, Notice in Writing nevertheless of the intended Repairs being first given in all Cases, in order that such Surveyors or other Persons so acting as aforesaid, may attend to inspect the Execution of such Repairs if they shall think it proper so to do.

After Consent allowed for Company to do any Works, no further Consent necessary.

XLIII. Provided always, and be it further enacted, That in all Cases where any Consent is necessary to be and shall be obtained by the said Company, to break or take up or remove any Stones, Ground, Soil, or Pavement whatsoever or wheresoever, in order to lay down any Main or Mains, Pipe or Pipes to convey Gas, or for any other Purpose which may be required under this Act, nothing in this Act contained, after such Consent obtained as aforesaid, and after Twenty-four Hours previous Notice, or

in case of Emergency, after Two Hours previous Notice in Writing from the said Company, or their Clerk, Surveyor, or Engineer, given to or left at the Place of Abode of any Owner or Owners, Occupier or Occupiers, of any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, having given such Consent as aforesaid, shall be deemed or construed to extend to prevent the said Company from repairing such Main or Mains, Pipe or Pipes, or from breaking or taking up or removing any Stones, Ground, Soil, or Pavement whatsoever, for the Purpose of laying down or repairing any such Main or Mains, or any Pipe or Pipes whatever, or for any other Purpose which may be required under this Act.

Pavements to be made good when Pipes are laid.

XLIV. Provided always, and be it further enacted, That the Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Stopcocks, Drain Boxes, Branches, or other Apparatus, shall do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Pavements and Roads, and carry away the Rubbish occasioned by such Works, and repair any Damage arising from any Drains, Sewers, or Cuts which may be made for carrying off the Washings or waste Liquids to be produced from the said Works, without any Delay; and shall in the meantime fence or guard the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages, and to set up Lamps or Lights at or near the same during the Night, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages, under and subject to such Orders and Directions as shall from Time to Time be given in any of the aforesaid respects by the said Commissioners or other Persons so acting as aforesaid, or their Surveyor or Surveyors for the Time being, the same several and respective Acts to be done to the Satisfaction of the Surveyors for the Time being, of the said Mayor and Burgesses, Commissioners or Trustees respectively, in all Cases where such Mains, Pipes, Plugs, Cocks, Drain Boxes, Branches, or other Apparatus, shall be laid or repaired in or under any of the public Streets, Roads, Ways, Footpaths, or other Places now or hereafter to be within the said Borough, and under the Jurisdiction of the said Mayor and Burgesses, Commissioners or Trustees, and to the Satisfaction of the respective Surveyors of any Roads or Highways which may be so broken up, and to the Satisfaction of the Owner or Owners of the Soil for the Time being in all other Places; and and that in every such Case all reasonable Costs and Charges incurred therein shall be refunded and paid by the said Company, together with the Sum of Five Pounds by way of Penalty for every such Offence: Provided also, 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 in any such Ground, or removing Rubbish, or making good any such Pavements or Roads as aforesaid, then and in every such Case, it shall and may be lawful to and for the said Mayor and Burgesses, Commissioners or Trustees, or their Surveyors, or any other Person or Persons acting by or under their Authority, as to any Street, Highway, Way, Lane, Passage, or Place within their Jurisdiction as aforesaid so broken up, and to and for the Owner or Owners of the Soil for the Time being in all other Places, to fill in such Ground and remove such Rubbish, and repair and make good any Pavement or Road so broken up; and the reasonable

Costs

Costs and Charges thereof shall be paid by the said Company of Proprietors or their Treasurer, to the said Surveyor or Owner or Owners, as the Case may require; and in Default of Payment thereof for Ten Days next after Demand shall be made by such Surveyor or Surveyors, or by such Owner or Owners, 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 Borough, all such reasonable Costs and Charges, together with any Sum not exceeding Five 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, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal, or Hands and Seals of any such Justice or Justices of the Peace for the said Borough, which Warrant such Justice or Justices is and are hereby empowered to grant; and such Costs, Charges, and Penalty shall be paid to the said Mayor and Burgesses, Commissioners or Trustees, or their Treasurer or Surveyors of Highways, or as the Case may require, to the said Owner or Owners.

Power to convey Washings.

XLV. And be it further enacted, That it shall be lawful for the said Company to make such Sewers or Cuts of such Breadth, Depth, and Dimensions, and in such Manner as they shall think expedient, under the Streets, Ways, Lanes, and Avenues and Places within the said Borough of *Derby*, for the Purpose of carrying off the Washings which may arise in the Prosecution of the Works aforesaid; the said Company doing as little Damage as may be in making the said Sewers and Cuts, and immediately repairing at their own Expence all such Damage; provided that none of such Washings shall be conducted or conveyed into any River, Brook, or Stream of Water whatsoever.

Protection for the Derby Waterworks.

XLVI. And be it further enacted, That if in carrying into Execution any of the Powers or Authorities by this Act given or granted, any Injury or Damage shall be done or committed to any of the Pipes, Branches, Apparatus, Materials or Things, of or belonging to the *Derby* Waterwork Proprietors, or to any Person or Persons, Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, either by removing or disturbing the Ground or Soil wherein or whereon the same is or are laid or placed, or by the Compression and subsequent settling or lowering of the same, at any Time or Times afterwards, or by any other Means whatsoever, the said Company shall, at their own Expence, Costs, and Charges, within Three Days next after Notice in Writing to them given, by the Surveyor for the Time being of the said *Derby* Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, cause such Pipes, Branches, Apparatus, Materials and Things to be well and effectually repaired and amended; and in Default or Neglect thereof, it shall and may be lawful to and for the said *Derby* Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, or their Agent or Surveyor for the Time being, and they are hereby authorized and empowered to cause such Pipes, Branches, Apparatus, Materials and Things so injured or damaged as aforesaid, to be effectually repaired, amended, and made good, and the reasonable

reasonable Costs, Charges, Damages, and Expences attending the same, shall be paid and defrayed by the said Company or their Treasurer; and if they cannot agree touching the Amount or Value thereof, the same shall be ascertained and settled by Two Justices of the Peace for the said Borough, who are hereby authorized to hear and determine the same, and their Determination therein shall be final and conclusive; and such Damages and Expences, together with such Costs and Charges as shall be by them allowed, shall be levied and recovered by Warrant of Distress under their Hands and Seals, in like Manner as other Penalties and Forfeitures are by this Act authorized to be recovered.

Commissioners of Pavement empowered to raise, sink, or alter Pipes, &c. with Consent of Justices.

XLVII. And be it further enacted, That if it shall at any Time or Times be deemed necessary or expedient by Two or more Justices of the Peace for the said Borough, upon the Application of the Commissioners for paving the said Borough, or of the said *Derby* Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, to require the said Company to raise, sink, or otherwise alter the Situation of any of the Mains, Pipes, Stopcocks, Plugs, Drain Boxes or Branches which shall be laid down for the Purposes aforesaid, then and in every such Case the said Company shall, at their own Expence, within Two Calendar Months next after being required so to do, by Notice in Writing to them given by the said Commissioners or Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, signed by their Clerk or Surveyor respectively, raise, sink, or alter such Mains, Pipes, Stopcocks, Drain Boxes, Plugs, or Branches, according to such Notice, in such Manner, and in such Place or Places, as the said Commissioners or Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water shall think right and proper; and in Default thereof it shall and may be lawful to and for the said Commissioners or Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, or their respective Surveyors, or any other Person or Persons acting by their Order or under their Authority, to cause such Mains, Pipes, Cocks, Plugs, Drain Boxes or Branches to be raised, sunk, or altered, and the reasonable Costs and Charges for doing the same shall immediately thereafter be paid by the said Company or their Treasurer: Provided nevertheless, that if such reasonable Costs and Charges be not paid within Thirty Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Commissioners or Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, (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 Borough) all such reasonable Costs and Charges shall and may be 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 such Justice or Justices of the Peace as aforesaid, and 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, or to the said *Derby* Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, (as the Case may be,) or to their respective Treasurers.

Damage to be made good to the Company.

XLVIII. Provided always, and be it further enacted, That if by raising, sinking, or altering any of the said Mains, Pipes, Cocks, Plugs, Drain Boxes or Branches, any Damage or Injury shall be wilfully or negligently done to the same by the said Commissioners for paving the said Borough, or by the said Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, or their Servants or Workmen, then and in every such Case such Damage or Injury shall be repaired and made good by the Company themselves, as soon as Circumstances will permit, and the Costs, Charges, and Expences thereof shall be paid by the said Commissioners or Waterwork Proprietors, or other the Person or Persons, Body or Bodies Politic or Corporate, having the Right, Privilege, or Power to supply the Inhabitants of the said Borough with Water, (as the Case may be), to the said Company or their Treasurer; and in case they cannot agree touching the Amount thereof, the same, and also the Costs and Charges of ascertaining and recovering the same, shall be ascertained, settled and recovered in the Manner herein-before mentioned and appointed for ascertaining and recovering the Amount of the Injury or Damage done or to be done by the said Company to the Pipes, Branches, Apparatus, Materials or Things, of or belonging to the said Water-work Proprietors.

Company to contract with Commissioners of Paving and Lighting.

XLIX. And be it further enacted, That in case the said Commissioners already appointed or hereafter to be appointed for, or having the Controul and Superintendance of the Paving and Lighting of the several Squares, Streets, Lanes, Ways, Passages, and Places within the said Borough, shall at any Time or Times hereafter be desirous of having such of the said Squares, Streets, Lanes, Ways, Passages and Places, as at the Time of passing this Act are lighted in the usual Manner, to be lighted with Gas, the said Company of Proprietors shall and they are hereby directed and required to contract and agree with the said Commissioners, to light the same with Gas upon the Terms and Conditions herein-after specified; (that is to say), that the said Company shall supply such Quantity of Gas Lights at such Number of Lamps with such Sorts of Burners, of such Dimensions, Constructions, and Qualities, to be set up in such Situations, and to continue burning at such Times, and for such Number of Hours, and under such Regulations, as the said Commissioners shall from Time to Time direct, upon the said Company's receiving annually for every such Public Lamp so required, some yearly Price or Sum, to be mutually arranged and contracted for once in every Three Years, or oftener, between the said Commissioners and the said Company; it being hereby provided nevertheless, and made obligatory upon the said Company, that the Gas Lights which shall be supplied by the said Company for the public Lighting of the said Borough shall at all Times be cheaper and better Lights than could be afforded from Oil; and that the Branch or Service Pipe, which shall be set up by the said Company to

supply the Gas for such public Lighting, shall in all Cases be of a Diameter not less than Half an Inch in the Bore, and shall be kept fully charged with Gas wheresoever it shall be necessary for the Purpose of such public Lighting as aforesaid.

Recovery of Rents.

L. 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 public or private Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand in Writing, to pay the Sum or Sums of Money then due for the same to the said Company, it shall be lawful for the said Company, or their Clerk or Superintendant, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough, to levy the said Sum or Sums 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) on Demand to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted; or the same with Costs of Suit may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Plaint, or Information, wherein no Essoign, Protection or Wager of Law, nor more than One Imparlance shall be allowed; and also that after such Refusal or Neglect as aforesaid, it shall and may be lawful to and for the said Company, or their Clerk or Engineer, or any other Person or Persons acting by or under their Authority, to cause the Gas so supplied to any such private Dwellings, Shops, Inns, Taverns, or other public or private Buildings, Manufactories or Places as aforesaid, to be withheld in such Manner as the said Company, or their Clerk or Engineer, shall for that Purpose think proper.

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

LI. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Iron, Leaden, or other Pipe to communicate with any Pipe belonging to the said Company, without the Consent of the said Company first had and obtained, nor use any Burner or Burners than such as shall be provided by the said Company, or use Burners of larger Dimensions than he, she, or they respectively shall contract or pay for, or supply any Inhabitant or other Person with any Part of such Gas, on pain of forfeiting and paying to the said Company the Sum of Fifty Pounds for each and every such Offence, and also the Sum of Forty Shillings a Day for every Day such Pipe shall so remain, or such Burner or Burners which shall not have been provided by the said Company shall be used, or such Excess be so committed, or such Supply furnished, 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 for the said Borough, and which Warrant such Justice or Justices is and are hereby required and empowered to grant; and the Surplus, after such Penalty or Forfeiture, 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 Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed

mitted to the Common Gaol or House of Correction of the said Borough, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Forfeiture and all reasonable Charges shall be sooner paid and satisfied; and it shall be lawful for the said Company, if they shall so think fit, also to take off the Gas from the House and Premises of the Person so offending by such Supply of Gas as aforesaid, notwithstanding any Contracts or Agreements which may have been previously entered into.

Penalty for wilfully damaging Pipes, &c.

LII. And be it further enacted, That if any Person shall wilfully, wantonly, or maliciously remove, take away, break, destroy, damage, or injure any or any Part of any Pipe, Pedestal, Post, Plug, Lamp, or other Apparatus, Matter, or Thing, belonging to the said Company, or shall wilfully, wantonly, or maliciously extinguish or put out any or either of the public Lamps and Lights, or wilfully or maliciously waste any of the inflammable Air or Gas supplied by the said Company, every Person so offending in any one or either of the Cases aforesaid, and being thereof lawfully convicted on the Oath of One credible Witness, before One or more Justice or Justices of the Peace for the said Borough, shall, for each such separate and distinct Offence, forfeit and pay to the aforesaid Company any Sum not exceeding Ten Pounds nor less than Twenty Shillings, and Three Times the Amount of the Damage to be done, as the same shall be ascertained by such Justice or Justices; such Penalty and Damage, together with reasonable Costs, to be levied under the Warrant of such Justice or Justices, by Distress and Sale of the Goods and Chattels of every 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 Forfeiture or Damage as aforesaid, such Offender or Offenders shall or may be forthwith committed to the House of Correction, or to the Common Gaol for the said Borough, there to remain for any Time to be fixed, not exceeding Three Calendar Months, or until such Forfeiture, Damages, and Costs shall be paid and satisfied.

Satisfaction for accidental Damage to Lamps, &c.

LIII. 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 private Expence, or any Pipe, Pedestal, Post, Plug, or other Apparatus, Matter, or Thing belonging thereto, or to the said Company, or carelessly or accidentally waste any of the inflammable Air or Gas supplied by the said Company, or keep the Lights burning for a longer Time than he, she, or they respectively shall contract to pay for, and shall not, upon Demand by the said Company, or their Clerk or Superintendant, or other Person or Persons authorized by them, make Satisfaction for the Damage done, or the Excess of Gas obtained and used, then and in every such Case it shall and may be lawful to and for any one or more Justice or Justices of the Peace for the said Borough, and he or they is and are hereby required, upon Complaint to him or them made, to summon before him or them the Party or Parties against whom such Complaint shall be preferred; and upon hearing the Allegations and Proofs on both Sides, or on Non-appearance of the Party or

Parties

Parties so complained against, 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 Three Days after Demand, it shall and may be lawful to and 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 Forfeiture is by this Act directed to be raised and levied.

Penalty for allowing the Escape of Gas.

LIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company in pursuance of this Act, the said Company shall, at their own Expence, immediately after receiving Notice in Writing of any such Escape of Gas, signed by an Inhabitant Householder of the said Borough, who shall be aggrieved by any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not within Twenty-four Hours next after such Notice in Writing being given of any such Escape of Gas, proceed to discover and prevent the Gas from escaping, and to remove the Cause of Complaint, that then and in every such Case the said Company shall for every such Offence forfeit and pay the Penalty or Sum of Forty Shillings for each and every Day after the Expiration of Twenty-four Hours from the Expiration of any such Notice, during which Time the said Company shall neglect to take the necessary Steps for preventing the Escape of such Gas as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, before some One or more Justice or Justices of the Peace for the said Borough, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner, and subject to the like Provisions, and to be recovered and applied in Manner herein-before directed, touching other Penalties to be recovered from the said Company.

Penalty for Company suffering Nuisances.

LV. And be it further enacted, That when any Body or Bodies Politic or Corporate, Inhabitant Householder of the said Borough, 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 whatever, 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; and in case the said Company shall, within Three Days next after such Notice in Writing being given as aforesaid of any such public or private Nuisance, neglect to remove and abate the same to the Satisfaction of Two Justices of the Peace for the said Borough, that then and in every such Case the said Company shall, for every Day such public or private Nuisance shall be permitted to exist after the Expiration of such Notice, forfeit and pay the Penalty

or Sum of Forty Shillings for each and every Day after the Expiration of Three Days from the Time of receiving any such Notice, during which the said public or private Nuisance shall be permitted or suffered to exist, which Penalty shall, from Time to Time, be recoverable 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 Borough, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of any such Justice or Justices as aforesaid, to be granted in like Manner and subject to the like Provisions, and to be recovered and go to and be paid as herein-before directed, touching other Penalties to be recovered from the said Company.

Company to be liable to Indictment for Nuisances and Damages

LVI. 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 and 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 Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of the Persons employed therein, or from any other Cause whatsoever.

For compelling the Attendance of Witnesses, and respecting Service of Notices.

LVII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence 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 Prosecution, or or behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing, or appearing shall refuse to be examined upon Oath, (which Oath 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, provided a reasonable Sum shall have been paid or tendered to such Person for Attendance as a Witness; and that in all Cases of Notices and Summonses by this Act directed or required to be given or served, which shall or may be necessary for carrying into Execution any of the Powers of this Act, the Service of any such Notices or Summonses, either on the Person or Persons to whom the same ought to be given, or leaving the same or a true Copy thereof at his, her, or their Dwelling House, or usual or last Place of Abode, shall be good and sufficient Service of any and every such Notices.

Persons giving false Evidence to be punished.

LVIII. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice of the Peace or otherwise under this Act, upon Oath, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she, or they so giving false Evidence, shall

shall be subject to the same Punishment as if he, she, or they had been convicted of Perjury.

Recovery and Application of Penalties.

LIX. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders, or of applying the Penalties is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace for the said Borough, in a summary Way, and such Justice is hereby authorized and empowered to convict the Offender or Offenders upon Information by the Oath of any Person or Persons, or on the Confession of the Party offending (which Oath such Justice is hereby authorized to administer), and in default of Payment 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 Moiety 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 have been so distrained (the reasonable Charges of such Distress and Sale being first deducted) shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish or Township where the Offence shall be committed; and in case such Fines, Penalties, and Forfeitures shall not be paid forthwith upon Conviction, then it shall and may 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 of such Warrant of Distress, unless the same 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 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 it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the House of Correction, or to the Common Gaol for the said Borough, for any Time to be fixed not exceeding Three Calendar Months, or until such Penalties, Forfeitures, and Costs shall be paid and satisfied.

LX. And, for the more easy Conviction of Offenders against the Provisions of this Act, or any such Order or Bye Law as aforesaid, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alledging more than the Substance of the Offence; (that is to say),

Form of Conviction for Offences.

'Borough of Derby in the County of Derby, to wit.' BE it remembered, That on the Day of in the Year of our Lord is [*or* are, *as the Case may be*] convicted before me [*or* us, *as the Case may be*] [*or as the Case may be*] of His Majesty's Justices of the Peace for the Borough of *Derby*, in the County of *Derby*, of having [*here state the Offence, and the Time and Place when and where the same was committed,*] contrary to an Act of Parliament [*or*, contrary to an Order or Bye Law duly made in pursuance of an Act of Parliament, *as the Case may be*,] passed

passed in the First Year of the Reign of King *George* the Fourth, intituled '[*here insert the Title of this Act*] for which Offence, I [*or*, we, *as the Case may be*] do adjudge the said to have forfeited the Sum of Given under my Hand and Seal [*or*, *as the Case may be*, our Hands and Seals] the Day and Year first above written.'

Informations to be lodged within Two Months.

LXI. 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 any Justice or Justices of the Peace, unless Information respecting such Offence or Offences shall have been lodged before some Justice or Justices of the Peace, within Two Calendar Months next after the committing of such Offence or Offences.

Distresses not unlawful for want of Form.

LXII. And be it further enacted, That where 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 subsequentI r- regularity in the prosecuting of such Distress; but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for special Damages by Action on the Case.

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

LXIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act, or 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.

Justices not disqualified from acting by being Commissioners.

LXIV. And be it further enacted, That no Justice of the Peace shall be disqualified from acting as a Justice in any Case whatsoever relative to the Execution of this Act, by reason only of any such Justice being One of the Commissioners for paving, lighting, or other the Regulation and Improvement of the said Borough.

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

LXV. 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 legal Proceedings, the Service thereof upon the Clerk of the said Company, or at the Office of such Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company; or in case the same respectively shall not be found or known, then Service upon any Member of the said Committee, or left at his last or usual Place of Abode, or upon any Agent or other Officer employed by the said Company, 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.

Appeal may be made to Quarter Sessions.

LXVI. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate or Collegiate, or any other Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Rule, Order, or Bye Law of the said Company of Proprietors, or any thing done in pursuance thereof, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County or Place where the Cause of Appeal shall have arisen, the Person or Persons appealing having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Company, as representing the said Company, and forthwith after such Notice, entering into a Recognizance before some Justice of the Peace for the County or Place, 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, 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 if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such County or Place, 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 any such Rule, Bye Law, Order, or Determination; and shall and may also award such further Satisfaction to be made to the Party injured, or Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Saving of Rights.

LXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, abridge, obstruct, or in any Manner interfere with the Powers and Authorities of the Mayor and Burgesses of the said Borough, or of the Commissioners acting under the Authority of the said Act, for paving and lighting the said Borough, or of any other Act or Acts which hereafter shall be in force for the Regulation and Improvement of the said Borough, or of any Trustees, Surveyors, or other Persons having the Control, Superintendance, Direction, or Management of lighting or paving the said Borough; or the Rights of any Person or Persons whomsoever to pave, amend, or repair any of the said Streets, Ways, or public Places, or to make, enlarge, repair, or amend any Sewer, Drain, or Vault under any Street, Way, or public Place within the said Borough; or the Rights, Powers and Authorities of the Trustees acting under the Authority of any Act or Acts of Parliament for repairing and amending the several Turnpike Roads passing through the said Borough, or the Right and Privilege which the said *Derby* Waterwork Proprietors now enjoy of supplying the Inhabitants of the said Borough with Water, by means of Pipes laid under the Streets, Lanes, and public Places within the said Borough, or any of the other Seigniories, Rights, Royalties, Franchises, Powers or Authorities now held and enjoyed by the said Mayor and Burgesses within the said

said Borough, and which are from henceforth to be held and enjoyed by them, in the same full and ample Manner to all Intents and Purposes as if this Act had not been passed, save only so far as the same may be affected by the due and lawful Exercise of the Powers hereby vested in the said Company.

Expences of the Act.

LXVIII. And be it further enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or otherwise incurred in relation to the same, shall be paid and discharged by the said Company, or their Committee of Management, out of the Monies already subscribed for the Purposes of this Act.

Public Act.

LXIX. 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.

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