ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

Cap. xlv.

An Act for lighting with Gas the Town of *Kingston-upon-Hull*, and certain Places adjacent thereto. [19th *April* 1821.]

WHEREAS the Town of *Kingston-upon-Hull*, in the County of the same Town, the Lordship of *Myton* and Liberty of *Trippett*, both in the said County, and also the Parish of *Sculcoates*, in the County of *York*, are large and populous, and it would be of great Benefit to the Inhabitants thereof, and to the Public at large, if the Streets and other public Passages and Places therein were better lighted: And whereas the Mayor and Burgesses of the said Town are the Lords of the Soil of the Market Place, and of the principal Streets, Lanes, and other public Places, within the said Town, and also Lords of the Manor or Lordship of *Myton* aforesaid: And whereas Inflammable Air or Gas may be obtained from Oil, Coal, and other Materials, and Coke, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be procured from Coal and other Substances: And whereas the said Inflammable Air or Gas being conveyed by means of Pipes, may be safely and beneficially used for lighting the several Streets, Squares, Market Places, Courts, Yards, Passages, Lanes, and other Places, within the said Town, Lordship, Liberty, and Parish, and for lighting private Houses, Shops, Counting Houses, Warehouses, and public Works, and Manufactories, and other Buildings; and the said Coke may be usefully employed as Fuel, and the said Oil, Tar, Pitch, Asphaltum, Ammoniacal

Liquor, and Essential Oil may be used and applied in various ways with great Advantage: And whereas the several Persons herein-after named are willing and desirous, at their own Costs and Charges, to effect the several beneficial Purposes aforesaid; but the same cannot be carried fully and completely into Execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Anthony Atkinson*, *John Alderson* the younger, *John Broadley*, *William Watson Bolton*, *Christopher Bolton*, *John Burstall*, *John Beadle*, *Richard Boyle*, *Samuel Cooper*, *William Spyvee Cooper*, *John Norman Crosse*, *Joseph Davis*, *Gardiner Egginton*, *Joseph Egginton*, *Thomas Fearne*, *Edward Gibson*, *Robert Garbutt*, *Robert Gleadow*, *John Harrison*, *Francis Hall*, *James Hewetson*, *Thomas Gowland Jones*, *Thomas Jones*, *Robert Kelah*, *George Liddell*, *John Levett*, *Thomas Marshall*, *John Marshall*, *Richard Marshall*, *Joseph Robinson Pease*, *John Cowham Parker*, *William Purdon*, *George Schonswar*, *John Smith*, *John Storm*, *Benjamin Stocks*, *James Kiero Watson*, *Thomas Ward*, *Charles Whitaker*, and *William Westerdale*, and all and every such other Person and Persons as shall from Time to Time become a Subscriber and Subscribers, and be duly admitted a Proprietor and Proprietors, as herein-after mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be one Body Politic and Corporate, by the Name of "The *Kingston-upon-Hull* Gas Light 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 of Indictment against any Person or Persons who shall commit any Felony or Offence indictable by the Laws of this Realm; and the said Company shall be established for the Purpose of producing Inflammable Air or Gas, Coke, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and other Products from Oil, Coal, or other Substances, and for lighting the said Town of *Kingston-upon-Hull*, and the said Lordship, Liberty, and Parish or Places with Gas; and shall have full Power from Time to Time to make Contracts, or agree with the Commissioners, Assessors, or other Persons acting under the Authority of any Act or Acts of Parliament, which now is or are, or which shall hereafter be in force for lighting or otherwise improving the said Town, Lordship, Liberty, and Parish, any or either of them, or with any other Persons or Person, Body Politic, Corporate or Collegiate, or Corporation Aggregate or Sole, who may be willing to contract or agree with the said Company (and who are hereby respectively empowered to enter into Contracts with the said Company, but subject to, and under the Provisions, Terms, and Conditions mentioned and contained in all or any of the said Acts of Parliament, with respect to the lighting of the said Town, Lordship, Liberty, and Parish respectively), for the lighting with Gas of the said Town, Lordship, Liberty, and Parish, any or either of them, or of any public Streets, Squares, Market Places, Courts, Yards, Passages, Lanes, public Buildings, Manufactories, Shops, Counting Houses, Warehouses, or private Houses, or other Buildings of whatever Denomination the same may be, or any of them, within the said Town, Lordship, Liberty, and Parish, any or either of them respectively, and to sell and dispose of such Coke, Oil, Tar, Pitch,

Company incorporated.

Their Style.

Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and other Produce as aforesaid.

Power to Purchase Lands, &c.

II. And be it further enacted, That in order to enable the said Company to construct or make Gasometers and other Manufactories and Works necessary for the Purposes of this Act, it shall be lawful for the said Company, or their Committee of Management to be appointed in pursuance of this Act for the Time being, and they are hereby respectively empowered to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments, not exceeding in the whole the Space of Ten Acres, within the said Town, Lordship, Liberty, and Parish, or all, any, or either of them, 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 respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, and also with all Femes Covert, 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 in the same, for the Uses and Purposes of this Act; and upon Payment of the Purchase Money for any such Lands, Tenements, or Hereditaments to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be), such Lands, Tenements, and Hereditaments may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whomsoever, shall be divested of all Right and Title, Claim, or Reversion to such Lands, Tenements, or Hereditaments which shall thereupon vest in the *Kingston-upon-Hull* Gas Light Company, and their Successors; and it shall be lawful for the said Company, and their Successors, to hold such Lands, Tenements, and Hereditaments, and any Term, Right, and Interest therein so purchased as aforesaid, 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; and also at any Time or Times thereafter to sell or dispose of the said Lands, Tenements, or Hereditaments, or any of them, as they shall think proper, and from Time to Time to purchase and hold other Lands, Tenements, or Hereditaments more suitable for the Uses and Purposes of this Act, and again to sell the same in like Manner.

Bodies Politic empowered to sell.

III. And be it further enacted, That it shall be lawful 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 respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Persons, under any Disability of acting for themselves, and also for all

Femes

Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every other Persons and Person whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments which shall be thought necessary by the said Company to be purchased for the Uses and Purposes of this Act, to contract and agree with the said Company, or the said Committee of Management, for the Sale thereof, or of any Part thereof, and to sell and convey the same, or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same to the said Company 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 Inrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuique Trusts, and of all Persons whomsoever, claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion, expectant on any such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowers of the Wife and Wives of such Party or Parties, and all Estates, Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Party and Parties claiming under them, or any of them respectively; any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies 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 other Persons whomsoever, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act.

Directing Application of Purchase Money when amounting to 200*l.* 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 by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Kingston-upon-Hull* Gas Light Company, to the Intent that such Money may 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 Party or Parties 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, Tene-

ments, 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 Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same manner as the Lands, Tenements, and Hereditaments which shall be purchased for the Purposes of this Act, stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Party or Parties 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.

Application of Purchase Money when less than 200*l.*, and exceeding 20*l.*

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 to be purchased for the Purposes of this Act, which shall belong to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any other 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 Party or Parties for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account in manner 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 Party or Parties making such Option, and approved by Three or more of the Committee of Management of the said Company (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 to arise 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.

Application of Money not exceeding 20*l.*

VI. Provided also, and be it further enacted, That where such Money so contracted and agreed to be paid as aforesaid, shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the use of the Party or Parties who would for the Time being have

have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased 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 case of Infancy, Idiotcy, or Lunacy, then to the Guardian or Guardians, Committee or Committees of the Infants, Idiots, or Lunatics, entitled to such Rents and Profits, to and for the Use and Benefit of such Infants, Idiots, or Lunatics respectively.

In case of questionable Title, Persons in Possession to be deemed the Owners.

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

Costs of Purchases to be made in lieu of settled Estates, to be defrayed by the Company.

VIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Party or Parties entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, or by reason of such Lands, Tenements, or Hereditaments being held upon or under or subject to Trusts then subsisting and undetermined, 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 making Contracts for and completing 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, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

On Payment of Purchase Money, Premises to be vested in the 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, to the Party or Parties respectively entitled to the same, or their Agents, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in manner herein-before directed, (as the Case may be), and a Receipt or Receipts, Certificate or Certificates obtained for such Payment or

Payments, 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, or Hereditaments, shall vest in the said Company and their Successors for ever, for effecting the Uses and Purposes of this Act; and the said Company shall immediately thereupon be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed and assured the same Lands, Tenements, and Hereditaments unto the said Company, their Successors and Assigns, conformably to the Directions, and according to the Form herein prescribed.

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 and their Successors, shall be made in the Form or to the Effect following; (that is to say),

Form of Conveyance.

'I [*or* we, *as the Case may be*] of in consideration of the Sum of paid to me [*or*, us, *or*, into the Bank of *England*, *as the Case may be*] by the *Kingston-upon-Hull* Gas Light Company; do hereby grant, release, convey, and confirm, [*or*, assign, *as the Case may be*] to the said Company and their Successors, all [*describe the Premises to be conveyed*] and all my [*or*, our] Right, Title, Estate, and Interest, in and to the same and every Part thereof: To hold the same to the said Company and their Successors and Assigns for ever, [*or*, *as the Case may be*], during all the Remainder of my, *or* our, Term, Estate, or Interest in the said Premises. 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 .'

Which Sale, Conveyance, and Assurance so made, shall at all Times be good, valid, and effectual to all Intents and Purposes whatsoever, *quoad* the Party or Parties making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming or to claim by, from, under, or in Trust from him, her, or them respectively.

Resale of Lands not wanted.

XI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, and by Indenture or Indentnres under their Common Seal, to grant and convey, by way of absolute Sale in Fee-simple, for a competent Consideration in Money, all or any Part or Parts of the Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall and may be lawful for the Treasurer, (if only One, or if more than One, for the Treasurers, who, if engaged in Partnership together, may sign in their Style or Firm, by any One of such Firm) for the Time being to the said Company, to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge to any Purchaser or Purchasers for the Money therein, and thereby expressed or acknow-

acknowledged to be received; and such Purchaser or Purchasers having *bonâ fide* paid the same and obtained such Receipt or Receipts for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Capital Stock not to exceed 17,000*l.*

XII. And be it further enacted, That the Capital or Joint Stock of the said Company to be used and applied in establishing and carrying on the said Undertaking and the Purposes aforesaid, shall not exceed the Sum of Seventeen thousand Pounds; and that the said Company shall not be authorized to enter upon the Execution of any of the Works for which Powers are hereby given, until the Sum of Thirteen thousand and five hundred Pounds shall have been first subscribed for that Purpose.

The Company or their Committee, may borrow Sums of Money not exceeding 4250*l.* in the whole.

XIII. And be it further enacted, That it shall be lawful for the said Company, by their Committee of Management herein-after mentioned, under the Advice and Direction of any General Meeting to be held by the said Company for that Purpose, to borrow and take up on Loan, at Interest, any Sum or Sums of Money for the Use of the said Company, not exceeding in the whole the Sum of Four thousand two hundred and fifty Pounds, and to grant, execute, and deliver, to and in favour of the Lenders, or those having right to require the same, such Bonds or Obligations in Writing as may be required or may be necessary, having the Common Seal of the said Company set and affixed thereto, whereby the said Company and their Successors shall be bound or obliged for Payment of the Sum or Sums of Money so borrowed, with such Interest (not being more than legal Interest), as shall be agreed on.

Subscribers to share in the Stock, in proportion to their Subscriptions.

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

Company's Effects answerable for the Debts owing therefrom, and the Shareholders to the Amount of their Subscriptions.

XV. Provided always, and be it further enacted, That the Estate and Effects of the said Company shall at all Times be liable and answerable for the just Debts and Demands of the Creditors of the said Company, and that the several Persons and Bodies Corporate and Politic, composing the said Company, shall respectively stand responsible for all just Debts and Demands of the Creditors of the said Company, rateably and in proportion to the Number and Amount only of their respective Shares in the Capital of the said Joint Stock: Provided always, that whenever Two or more Persons shall have jointly subscribed for, or shall be jointly possessed

possessed of any One or more Share or Shares in the said Undertaking, such Persons shall severally and respectively be answerable for the proportional Amount of such Share or Shares, but not further or otherwise as aforesaid.

Stock to be divided into Shares of 25*l.* Sterling each, and to be Personal Estate; and no Subscriber to hold more than 25 Shares.

XVI. And be it further enacted, That the said Sum of Seventeen thousand Pounds shall be divided into Shares of Twenty-five Pounds Sterling each; and that no Person or Persons, or Bodies Corporate or Politic, shall be a Subscriber or Subscribers for a less Sum than Twenty-five Pounds Sterling, nor hold more than Twenty-five Shares, unless the Excess shall devolve to him, her, or them, by Marriage or Death; and 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 shall be transmissible accordingly.

To compel Payment of Subscriptions.

XVII. And be it further enacted, That the several Persons and Bodies Corporate and Politic, who have subscribed for or towards the said Undertaking, or 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, or such Parts or Proportions thereof, as shall from Time to Time be called for pursuant to or by virtue of 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; and in case any Person or Persons, or Bodies Corporate or Politic, shall neglect or refuse to pay any such Money, at such 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 the lawful Interest for the same, from such appointed Time of Payment, and all Costs of Suit, from such Person or Persons, or Bodies Corporate and Politic respectively, or in case where Two or more Persons or Bodies Corporate and Politic shall have jointly subscribed for or be jointly possessed of any One or more Share or Shares in the said Undertaking, then from all, any, or either of such joint Subscribers.

Names of Proprietors to be entered, and Certificates of their Shares delivered to them.

XVIII. And be it further enacted, That the said Company shall and they are hereby required, within Three Calendar Months after the passing of this Act, to cause the Names and Designations of the several Persons and Bodies Corporate and Politic, who have subscribed for or may at any Time hereafter be entitled to a Share or Shares in the said Joint Stock, with the Number of Shares possessed by each Subscriber, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company, to be appointed as herein-after mentioned; and after such Entry, a Certificate under the Common Seal of the said Company shall be delivered to every Proprietor, or in case of more Persons than One being jointly interested, then to any One of them upon Demand, specifying the Share or Shares, to which he, she, or they is or are entitled in the said Joint Stock; and such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor or Proprietors, his,

his, her, or their Executors, Administrators, Successors, or Assigns to the Share or Shares therein specified; but the Want of such Certificate shall not hinder the Proprietor of any such Share from selling or disposing thereof; and in case such Certificate shall not be produced or forthcoming, the said Entry, or a true Copy thereof, shall be deemed sufficient *primâ facie* Evidence of Title.

The Corporations to vote by their Officers, to whom Notices are to be given.

XIX. And be it further enacted, That in case the Corporation of Mayor and Burgesses of the said Town of *Kingston-upon-Hull*, the Corporation of the Guild or Brotherhood of Masters and Pilots, Seamen, of the Trinity House of *Kingston-upon-Hull*, and the Corporation of the Dock Company of *Kingston-upon-Hull*, or any or either of them, shall at any Time become Proprietors of Shares in the said Undertaking, it shall be lawful for the said Mayor and Burgesses, by the Mayor for the Time being, or by any One of the Aldermen of the said Town of *Kingston-upon-Hull*, to be deputed by such Mayor by Writing under his Hand, for the said Guild or Brotherhood, by the acting Warden for the Time being, or his Deputy, or by any One of the Elder Brethren or Assistants of the same Guild or Brotherhood, to be deputed by such Warden or Deputy Warden, by Writing under his Hand, and for the said Dock Company, by the Chairman for the Time being, or by One of the Proprietors of the said Dock Company to be deputed by such Chairman, by Writing under his Hand, to represent the Corporations to which they shall respectively belong, at any Meeting of the said Company, and for the said Mayor, Warden, and Chairman respectively, or their respective Deputies constituted as aforesaid, to vote at all or any such Meetings, in respect of the Shares possessed by such Corporations respectively; and all Notices hereby required to be given to the Owner or Proprietor of any Share or Shares of the said Company, shall or may, as respecting the Shares of the said Three Bodies Corporate and Politic, or any or either of them, be given or sent to the said Mayor, Warden, and Chairman respectively; and such Notices shall be deemed and taken to be good and sufficient Notice to the said Bodies Corporate and Politic respectively, any thing herein contained to the contrary notwithstanding.

The Person whose Name stands first as a Joint Proprietor with others, to be deemed the Owner, and entitled to vote.

XX. And be it further enacted, That whenever Two or more Persons, not being any or either of the said Bodies Corporate and Politic, 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 Proprietors of such Share or Shares, shall, for the Purposes of this Act, be deemed and taken to be the Owner or Proprietor of such Share or Shares; and all Notices hereby required to be given to the Owner or Proprietor of any Share or Shares in the said Company shall and may be given or sent to such Person whose Name shall so stand first in the Books of the said Company, and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares, for all the Purposes for which such Notice is intended to be given to the Owner or Proprietor of any such Share or Shares, and such Owners or Proprietors shall be entitled to give their Vote or Votes in respect thereof, by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such

Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

Certain Proprietors may vote by Proxy, Lunatics by their Committees, Minors by their Guardians.

XXI. And be it further enacted, That no Proprietor or Proprietors, entitled to a Share or Shares in the said Joint Stock, shall be entitled to vote by Proxy, in respect of such Share or Shares at any General or Special General Meeting of the said Company, (unless such Proprietor or Proprietors shall be a Female or Females, or a Person or Persons not residing within Twelve Miles of the said Town of *Kingston-upon-Hull*), in which case she, he, or they, shall or may, if she, he, or they think proper, by Writing under her, his, or their Hand or Hands, have full Power and Authority to give her, his, or their Vote or Votes, at such Meetings as aforesaid by Proxy; provided that every such Proxy shall be a Member of the said Company, and entitled to vote in respect of her, his, or their own Share or Shares, and that no Person shall deliver in Proxies for more than Two Members, and the Appointment of such Proxies shall be produced at every such Meeting, and shall be made in the Form or to the Effect following; (that is to say),

'I *A. B.* One of the Proprietors of and in the *Kingston-upon-Hull* Gas Light Company, do hereby nominate, constitute, and appoint *C. D.* of also One of the Proprietors of the said Company, to be my Proxy, in my Name and in my Absence to vote and give my Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking, that shall be mentioned or proposed at the General or Special Meeting of the said Company, to be holden at on next [*here state the particular Meeting at which the Vote is intended to be given*] in such Manner as he the said *C. D.* shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking, or any thing relating thereto. In witness whereof, I have hereunto set my Hand, the Day of *A. B.*'

Provided always, that in case any Proprietor or Proprietors entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Meetings by his, her, or their Committee, or any One of such Committee, and such Minor or Minors shall and may vote by his, her, or their Guardian or any One of such Guardians; provided also, that the Appointment of such Committee or Guardian shall be produced at every Meeting at which he may so offer to vote: Provided always, that no Person or Persons, or Bodies Corporate or Politic, shall hold and vote as a Proxy or Proxies, for more than Ten Shares, upon any one Occasion (except as herein-after mentioned), but such Person or Party may also vote in right of his own Shares, as well as Committee of any Lunatic or Lunatics, and as Guardian of any Minor or Minors on the same Occasion; and in case any Person or Party shall vote or otherwise act as such Proxy, Committee, or Guardian, in respect of an Appointment either unduly or improperly obtained, and the same shall be made appear to a General Meeting of the said Company, then and in that Case the Share or Shares, which the Person or Party so voting, or otherwise acting as such Proxy, Committee, or Guardian, shall appear to have or be possessed of or entitled to at the Time of such voting or acting, shall become

become forfeited, and shall vest in the said Company for the Benefit of the other Proprietors.

Shares may be transferred.

XXII. And be it further enacted, That it shall be lawful for the several and respective 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 or to the Effect following; (that is to say),

'KNOW all Men by these Presents, That I, [*or*, we] the undersigned of [*as the Case may require*] in consideration of the Sum of of lawful Money current in *England*, paid to me [*or*, us] by do hereby bargain, sell, assign, and transfer to the said the Sum of Capital Stock of and in the *Kingston-upon-Hull* Gas Light Company, being my [*or*, our] Share, [*or*, Shares] Number [*or*, Numbers] therein: To hold to the said Executors, Administrators, and Assigns, according to the same Rules, Orders, and Restrictions, and on the same Conditions that I [*or*, we] the said held the same immediately before the Execution hereof: And I [*or* we] the said do hereby agree to take and accept the said Share, [*or*, Shares] subject to the same Rules, Orders, Restrictions, and Conditions. In witness whereof I [*or*, we] have hereunto set my [*or*, our] Hand and Seal [*or*, Hands and Seals, *or* affixed the Common Seal of the said Corporation, *as the Case may require*] this Day of in the Year of our Lord .'

Which Transfer shall be executed by all the Parties thereto, and deposited with the Clerk of the said Company for the Time being, to be filed by him and kept for the Use of the said Company; but, for the Security of the Purchaser or Purchasers, a Duplicate of such Transfer, executed as aforesaid, shall be made and kept by the Purchaser or Purchasers of such Share or Shares; and every such Transfer which shall appear to be regular, shall be registered in the Books of the said Company, by an Entry of the Date of such Registry, and the Date of such Transfer, together with the Names of the Parties thereto, and the Numbers of the Shares transferred, with such other Particulars, as shall from Time to Time be determined on by the Committee of Management for the Time being, for which Entry or registering the Sum of Five Shillings and no more, shall be paid to the Clerk or other Officer making the same, who after such Transfer shall have been entered and registered as aforesaid, shall upon Request of the Purchaser or Purchasers, indorse a Certificate thereof upon the Duplicate of such Transfer.

Transfers to be registered.

Purchasers to have their Shares Six Months before they can vote; but Proprietors not to be prevented

XXIII. Provided always, and be it further enacted, That after the Expiration of Twelve Calendar Months from the passing of this Act, no Person or Persons, Body Corporate and Politic, who shall purchase any Share or Shares in the Joint Stock of the said Company, shall be admitted to vote for the same, either by themselves or by Proxy, until such Person or Persons, or Body Corporate and Politic, shall have been in Possession of such purchased Share or Shares, for the full Term of Six Calendar

Calendar Months, to be computed from the Date of registering the Transfer thereof in the said Books of the said Company; but this Provision shall not operate to prevent or hinder any Person or Persons from voting immediately after the same shall have been registered for or in respect of the Share or Shares, which shall devolve to him, her, or them, by Marriage or Death.

voting in respect of Shares accruing by Marriage or Death.

XXIV. And be it further enacted, That the Register Book of Shares of the said Company, or a Copy of the Entry or Registry therein of the Transfer of any Share upon Sale, or any other Disposition or Alteration in the Proprietorship thereof, by Marriage or Death or otherwise, to be ascertained as herein-before directed and authorized, (such Copy being signed by the Clerk or other Officer of the said Company having the Custody of the said Book of Registry), shall respectively be sufficient Evidence of every such Sale, Transfer, or other Disposition, or Alteration in the Proprietorship thereof, and shall be accounted as such in all Disputes, and in all Trials before any Court, and by all Judges, Justices, and others; and until such Transfer, Disposition, or Alteration, shall be entered or registered in the Books of the said Company as aforesaid, no Purchaser or Purchasers, or other Person or Persons, or Bodies Corporate or Politic, claiming Interest in any such Share or Shares in the said Undertaking, or in the Profits and Advantages thereof, shall receive any Interest or Dividend, for or in respect of such Share or Shares so purchased, disposed of, or otherwise altered, nor be entitled to vote at any Meeting or Meetings as Proprietor or Proprietors of the said Undertaking.

Registers and Copies thereof to be Evidence, and until Registry no Proprietor to be entitled.

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

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

XXVI. And be it further enacted, That the Affairs and Concerns of the said Company shall be conducted and managed under and subject to the several Rules and Regulations herein-after contained; (that is to say), the Proprietors of Shares in the said Undertaking shall assemble together at the *Guildhall* of the Town of *Kingston-upon-Hull*, at Eleven of the Clock in the Forenoon, within Thirty Days next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed in the Execution of this Act, and shall and may adjourn to, or shall assemble at such other Times and Places as they shall be duly convened to, in manner herein-after mentioned, and every such Assembly shall be styled a General Meeting, and Two such Meetings shall be held in every Year, on the First *Monday* in the Month of *January* and the First *Monday* in the Month of *July*, which shall be styled Half-yearly General Meetings, of which said Meetings, as well as of any Special General Meetings to be called by the Committee of Management, as herein-after provided, Ten Days previous Notice shall be given; and that Twenty-five or more of the said Proprietors, holding collectively not less than One hundred Shares, may by Notice in Writing under their Hands (of which a Copy shall be delivered to the Clerk for the Time being of

Regulations for Meetings of the Company.

the said Company), call a Special General Meeting, so as the Object for which such Meeting shall be called, and the Time and Place where such Meeting is intended to be held, be expressed in such Notice, and so as such Notice be given Ten Days at least before the Day of Meeting; and every General Meeting and Special General Meeting may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and in case any Adjournment of a General or Special General Meeting shall take place, Three Days previous Notice shall be given of the Time and Place when and where such Adjourned Meeting is intended to be holden.

Manner of voting.

XXVII. And be it further enacted, That at every General or Special General Meeting a Chairman shall be appointed, and all Questions shall be decided by a Majority of Votes of the Proprietors present in Person, or by their respective Proxies to be appointed as herein mentioned, or their respective Committees or Guardians, (who shall not decline to vote), according to their respective Number of Shares, and every Proprietor shall be entitled to One Vote for and in respect of every Share of which he shall be possessed, but no Proprietor shall be entitled to vote either by himself or his Proxy, Committee or Guardian, for or in respect of more than Ten Shares, except as the Proprietor thereof, in consequence of such extra Number of Shares having devolved to or became vested in him, her, or them, by Death or Marriage, or as Proxy, Committee, or Guardian for some other Person or Persons as herein mentioned, nor shall any Person be entitled to vote at any General or Special General Meeting of the said Company, or any Adjournment thereof, in respect of any Share or Shares which he, she, or they may possess in the said Undertaking, unless such Person shall have fully paid and satisfied all Arrears of Money which shall or may become due in pursuance of any Call or Calls made or to be made by the said Committee of Management, by virtue of this Act, for or in respect of such Share or Shares; nor shall any Person vote at any of the Meetings of the said Company, upon any Question or Questions relating to the Concerns of the said Undertaking, in which such Person shall be interested otherwise than as a Subscriber or Proprietor to or of the said Undertaking; and upon any Difference of Opinion, any Proprietor present may require the Votes at any General or Special General Meeting of the said Company to be taken by Ballot, but no Ballot shall be kept open for more than Two Hours; and the Chairman of every such Meeting shall be entitled to vote; and in case the Number of Votes, including the Chairman's Vote, shall be equal, such Chairman shall also have the casting Vote; and if at any General or Special General Meeting, Twenty Proprietors in Person shall not assemble and proceed to Business in One Hour from the Time appointed in the Notices to be given for such Meeting, or if that Number be not present when the Whole or any Part of the Business to be transacted shall be decided upon, the Meeting shall be adjourned to the same Day in the following Week, or to some other Day to be appointed by the said Committee of Management, or any Three or more of them.

How Notices of Meetings to Proprietors are to be given.

XXVIII. Provided always, and be it further enacted, That all Notices herein-before directed to be given of any General or Special General Meetings or Adjournments respectively, or upon any other particular Occasion, and not herein otherwise provided for, or to any of the said Proprietors, shall be given to the said several Proprietors, or to such individual

vidual Proprietors respectively, by Letters from the Clerk of the said Company, sent by the Post, to each and every of the said Proprietors, and the same Notices shall be deemed and considered the same as personal Notices.

Accounts to be settled yearly.

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

Meetings to declare Dividends.

Payment of Dividends, &c. to the Person in whose Name the Share shall stand in the Company's Books, to be good.

XXX. And be it further enacted, That the Receipt or Receipts of the Person or any One of the Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company, shall from Time to Time be a good and sufficient Discharge to the Treasurer or Treasurers for the Time being of the said Company, for any Dividend or Dividends, Sum or Sums of Money which shall become due and payable, and be paid for or in respect of such Share or Shares, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share or Shares shall be then settled, limited, conveyed, or assured.

General Meetings may make Bye Laws.

XXXI. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any of their General Half-yearly 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 the Conduct of all Officers, Workmen, and Servants, to be employed in and 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 to impose and inflict such reasonable Fines and Forfeitures, upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Company, at a General Half-yearly Meeting shall seem expedient; 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 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

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 printed, and be fixed and continued in the Office of the Clerk for the Time being, or other the Buildings and Premises of the said Company, and all such Rules, Orders, and Bye Laws, shall be subject to appeal in manner by this Act directed.

Officers of the Company to be appointed at General Meetings.

XXXII. And be it further enacted, That it shall be lawful for the said Company at the First General Meeting of the said Company, to nominate and elect by Ballot, and to appoint, under the Common Seal of the said Company, some Person or Persons to be Treasurer or Treasurers, and some other Person to be Clerk to the said Company, and from Time to Time to remove any such Treasurer or Treasurers, and Clerk of the said Company, and to nominate, elect, and appoint another Person or Persons in his or their room or stead: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer or Treasurers, or Receiver or Collector, for any of the Purposes of this Act, for the faithful Execution of their respective Offices, before they shall enter thereupon respectively.

Treasurer, &c. to give Security.

Treasurer not to issue Money without an Order of Committee.

XXXIII. And be it further enacted, That the Treasurer or Treasurers to be appointed by the said Company shall not issue any Sum or Sums of Money on account of the said Company, without an Order or Orders in Writing, signed by the Chairman for the Time being of the Committee of Management, and Three Members at the least of the same Committee, present at the Meeting of the Committee, which shall order or direct such Issue of Money to be made.

Committee of Management.

XXXIV. And be it further enacted, That at the First General Meeting of the said Company, or at some Adjournment thereof, Fifteen Members of the said Company shall be elected and chosen a Committee of Management for conducting and managing the Affairs of the said Company; and such Persons so elected shall continue in Office and be respectively Members of the said Committee, until the Half-yearly General Meeting which shall be held in the Month of *July* in the Year of our Lord One thousand eight hundred and twenty-two, or until others or another be appointed in their or either of their stead, in pursuance of this Act; and at the said Half-yearly General Meeting, or at some Adjournment thereof, and also at the Expiration of every succeeding Year thereafter, to be computed from the said Half-yearly General Meeting to be held in the Month of *July* in the Year of our Lord One thousand eight hundred and twenty-two, a new Committee of Fifteen Members shall be elected and appointed out of the Proprietors of Shares in the said Undertaking, to be the Committee of Management for conducting and managing the Affairs of the said Company, who shall continue in their Office for the Space of One Year to be computed as last aforesaid, or until others or another shall be duly elected into their or any of their Places: Provided, that nothing herein contained shall render any One of the Committee whose Office shall have expired ineligible to be re-elected a Committee-man, if otherwise duly qualified: Provided also, that no Person shall be qualified to be elected nor to serve or act as a Member of the said Committee, who by Sale or otherwise shall cease to be a Proprietor in the said Undertaking,

taking, or who shall hold any Place of Profit under the said Company, or who shall be concerned or interested in any Contract to be made or entered into under this Act, or who shall offer to take, or shall actually participate in any manner in any Work to be done for the said Company, whether by Contract or otherwise.

For supplying Vacancies in Committee.

XXXV. And be it further enacted, That when and so often as any Member of the Committee of Management to be elected by virtue of this Act, shall die or become disqualified, or shall refuse or neglect to attend the Meetings of the said Committee for the Space of Three Calendar Months, it shall be lawful for the said Company, at any General or Special General Meeting, to be called and held pursuant to the Directions of this Act, to elect some other Proprietor to be a Member of the said Committee; and every such Proprietor so elected to fill any such Vacancy shall continue in his Office as a Member of the said Committee, so long as the Person in whose place or stead he was elected would have been entitled to have continued, if such Death, Disqualification, Refusal, or Neglect had not happened.

No Person to act as Committee-man, unless possessed of Two Shares.

XXXVI. Provided always, and be it further enacted, That no Person shall be eligible to be elected one of the Committee for managing the Affairs of the said Undertaking, unless at the Time of the Election he shall be entitled to Two Shares in the said Undertaking.

Meetings of the Committee and Regulations for their Proceedings.

XXXVII. And be it further enacted, That the said Committee of Management shall meet within Seven Days after being appointed, and at their first Meeting shall elect One of the Members of the said Committee to be Chairman, and another Member to be Deputy Chairman respectively for the Time such Committee shall continue in Office; but in case the Chairman so to be elected shall be absent at any of the Meetings of such Committee, the Deputy Chairman shall preside; and in case he shall likewise be absent, then the Members present at such Meeting shall, before they proceed upon any Business, elect from among themselves a Chairman *pro tempore*; and the said Committee shall hold their Meetings at such Place, and as often as they shall think proper, but at least once in every Month, and may adjourn their Meetings from Time to Time, and from Place to Place, as they shall think fit; and 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 the Members then present, the Number present not being less than Five; and in cases 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 or casting Vote; and if on the Day appointed for any Meeting of the said Committee, Five Members qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned to the following Day, if not a *Sunday*, and if the following Day shall be a *Sunday*, then to the next Day following, by the Member or Members then present; and if no Member be present, then by the Clerk of the said Company, or such other Person as shall attend in his place; and the Chairman for the Time being of the Committee, or any Five or more Members thereof, may at any Time when he or they shall think fit, call a Meeting of the Committee, by Notice in Writing, signed by such Chairman, or by such Five or more

Members, to be sent by the Post or otherwise, to the Residence or Place of Address of every Member of such Committee.

Power of Committee.

XXXVIII. 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 as aforesaid, 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 Time and Place of holding the General Meetings, as well as any Special General Meetings, and to direct the Affairs and Business of the said Undertaking, as well in issuing, receiving, and laying out or disposing of all Sums of Money to be issued or received, laid out or disposed of for the Purposes of the same, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods, and Chattels for the Use of the said Undertaking, and in making and entering into Contracts or Agreements for lighting the said Town, Lordship, Liberty, and Parish, or any or either of them, or any of such Streets, Squares, Market Places, Lanes, Ways, and public or private Houses or Buildings as aforesaid, and nominating, appointing, electing, placing, or displacing any Officer, Engineer, Agent, or Servant of the said Company, (except the Treasurer or Treasurers, and Clerk herein-before directed to be appointed by a General Meeting of the said Company), with such Salary, Gratuities or 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 provided, produced, or manufactured, under the Authority of this Act, and in making, enforcing, and rescinding all Contracts and Bargains touching or in anywise concerning the same, subject to such Orders, Bye Laws, Rules, and Regulations as shall be duly made by the said Company, in restraint, controul, or regulation of the Powers and Authorities by this Act granted.

Same Person not to act as Clerk and Treasurer.

XXXIX. 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 in the Execution of this Act, 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 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 such Treasurer, shall act as Clerk in the Execution of this Act, every Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same 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.

Proceedings to be entered.

XL. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the Company as of the Committee of Management, shall be entered by the Clerk in a Book or Books to be provided and kept for that Purpose, and such Orders and Proceedings so entered and signed by the Clerk of

the said Company, and by the Chairman of each respective Meeting, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others; and no Business shall be transacted at any Special General Meeting, besides the Business for which it shall have been called; and no other Business shall be transacted at any adjourned Special General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place.

Committee to make Calls.

XLI. And be it further enacted, That the said Committee of Management shall have full Power to make such Call or Calls for Money from the several Proprietors of the said Undertaking, their Executors, Administrators, Successors, and Assigns, as such Committee shall from Time to Time find requisite and necessary for the Purposes of the said Undertaking, so that no one such Call do exceed the Sum of Five Pounds, for or in respect of any One Share of Twenty-five Pounds, and so that no Calls be made but at the Distance of Two Calendar Months at least from each other; and that the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer or Treasurers to the said Company for the Time being, at such Time and Place as shall be appointed by such Committee, of which Time and Place Ten Days previous Notice shall be given, in such Manner as the said Committee shall direct or appoint in that behalf; and if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money to be called for by the Space of Twenty Days next after the Time appointed for Payment thereof, together with lawful Interest for the same from such appointed Time of Payment, then and in such Case it shall and may be lawful to and for the said Company, at some General or Special General Meeting to be held after such Neglect or Refusal, to declare all and every or any of the Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited; and from thenceforth the said Share or Shares so declared to be forfeited, and all the Profit and Benefit thereof, shall be vested in the said Company, their Successors and Assigns, to and for the Uses and Purposes of this Act.

On Non-payment of Calls, Shares to be forfeited.

No Share to be forfeited until Notice be published in a Kingston-upon-Hull Newspaper.

XLII. Provided always, and be it further enacted, That no Share or Shares of and in the said Undertaking shall be forfeited, or vested in and accrue to the said Company, until Notice shall have been published in some one or more of the Newspapers published and circulated in the said Town of *Kingston-upon-Hull*, Thirty Days at least before the holding of such General or Special General Meeting, in which Notice shall be contained a Statement and Account of the Money due from such Person or Persons for such Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking, exclusive of the Interest thereon; and no such Share or Shares shall be forfeited to or vested in the said Company, if the Owner or Owners of such Share or Shares shall, before the holding of such General or Special General Meeting, pay what shall be due thereon for such Call or Calls as aforesaid, and legal Interest for the same, and all the Expences attending the Application for and advertising the same as aforesaid.

Company empowered to sell forfeited Shares.

XLIII. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become forfeited to or

or vested in the said Company as herein mentioned, then and in every such Case, it shall be lawful for the said Company, or their Committee of Management for the Time being, to sell or cause to be sold by public Auction or private Contract, and by Writing under the Common Seal of the said Company, to assign and transfer such and so many of the Share or Shares so become forfeited, as the same Company, or their said Committee of Management, shall from Time to Time find necessary and direct to be sold, unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns, and such Assignments and Transfers shall be good, valid, and effectual against the previous Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company, and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares as shall be forfeited by reason of the Nonpayment of any Call or Calls as herein authorized, shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales, the Surplus of such Money shall be paid to the Person or Persons to whom such Share or Shares shall have belonged, on Demand: Provided also, that the said Company, or their Committee of Management, shall not by virtue of this Act sell or transfer, or direct to be sold or transferred any more of such Shares of such Defaulter or Defaulters in Payment of Calls than shall be sufficient, as near as may be, at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters, for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all and every such Call or Calls, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

If the Purchase Money for such Shares shall be more than sufficient to pay the Arrears of Calls, and Interest and Expences thereof, the Surplus to be paid the Owner on Demand.

Executors, Administrators, and Guardians indemnified in paying Calls.

XLIV. And be it further enacted, That if any Person or Persons, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall die before Payment shall have been made by him, her, or them, of the full Sum to be called for in respect thereof, as herein mentioned, without having made any sufficient Provision by Will or otherwise, in what manner such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be answered; or in case any Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall become lunatic before Payment shall have been made by him, her, or them, of the full Sum to be called for in respect thereof as herein mentioned; or in case any Proprietor or Proprietors as aforesaid shall be a Minor or Minors, then and in such Case the Executors or Administrators of such deceased Proprietor or Proprietors, and the Committee of any Lunatic or Lunatics, and the Guardian or Guardians of any Minor or Minors, shall and he and they is and are hereby authorized to raise and levy out of any Funds or Effects vested in him or them respectively, to or for the Use or Benefit of such deceased Proprietor or Proprietors, Lunatic or Lunatics, Minor or Minors, or of the Party or Parties entitled under him, her, or them respectively, to such Share or Shares, so much Money as shall from Time to Time be requisite and necessary to answer and pay the Call or Calls,

Calls which shall be made on the Owner or Owners, Proprietor or Proprietors, of such Share or Shares, under the Authority of this Act; and such Executors or Administrators, Committee or Committees, Guardian or Guardians, shall be and he and they is and are hereby indemnified against his and their respective Cestuique Trusts, and all other Persons whomsoever, for raising or levying and paying any Money which shall be called for as aforesaid, in respect of such Share or Shares.

For ascertaining the Proprietorship of Shares in certain Cases.

XLV. And whereas in case any original Holder or Proprietor, or Holders or Proprietors 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, her, or their Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain 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, or to maintain any Action or Actions, Suit, or other Proceedings against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right and Property in any 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 and Conveyance thereof, in the Form and Manner herein-before specified, or herein otherwise provided, an Affidavit shall be made and sworn to by Two credible Persons, before a Master or Master Extraordinary of His Majesty's High Court of Chancery, or before 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 such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book, or List of Subscribers and Proprietors of the said Undertaking, to be kept in the Office of the Clerk to the said Company; and 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 Person or Persons stated in such Affidavit to be the Owner or Owners of such Share or Shares, 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 said Subscribers and Proprietors, at any General Meeting after the Expiration of such Notice, to declare the same Share or Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Subscribers or Proprietors at any Meeting or Meetings shall direct, or otherwise become consolidated in the General Fund of the said Company.

Proofs required where Rights accrue by Marriage or Death.

XLVI. And be it further enacted, That when any Person or Persons shall claim any Part or Share in the Joint Stock of the said Company or the Profits thereof, in right of Marriage, an Affidavit containing a Copy of the Register of such Marriage, or the Purport of such Register, shall be made and sworn to by some credible Person, before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be delivered to and left with the Clerk for the Time being of the said Company, who shall preserve the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Undertaking; and the said Clerk shall be paid for every such Entry, the Sum of Five Shillings and no more, before such Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof; and when any Person or Persons shall claim any Part or Share in the Joint Stock of the said Company or the Profits thereof, under or by virtue of any Will or Bequest, or in a Course of Administration, the Probate Copy of the Will, or the Letters of Administration, in case the Proprietor shall have died intestate, respectively issuing out of one of the Ecclesiastical Courts of the Province of *York*, shall be produced and shown to the said Clerk, who shall make an Entry of such Will, or of so much thereof as shall relate to the Disposition of the Share or Shares of the Testator, or the Letters of Administration, in case the Proprietor shall have died intestate; and the said Clerk shall be paid for every such Entry, the Sum of Five Shillings and no more, before any Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof: Provided nevertheless, that no Bequest or Clause in any such Will contained, shall bind or affect, or be construed to bind or affect the said Company, with Notice of any Trust or Disposition of any Share or Shares in the Joint Stock of the said Company, or the Gains and Profits thereof, but the Registry of any such Share or Shares shall be in the Name or Names of the Executor or Executors who shall prove the Will of such Testator, or the Administrator or Administrators of his Effects, whose Receipt or Receipts to the said Company for the Gains and Profits thereof, and to any Purchaser or Purchasers, for the Amount of the Purchase Money paid upon the Sale and Conveyance of such Share or Shares, shall be good and effectual, and shall bind the Cestuique Trusts, and all other Persons claiming Interest under such Testator; any Rule of Law or Equity to the contrary notwithstanding.

Power to break up the Soil and Pavement of Streets, to lay Pipes, and light Houses, &c.

XLVII. 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, by their Servants, Agents, Workmen and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers and other Buildings, Cisterns, Engines, Machines or other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, and to sink and lay Pipes, and to erect and fix them against any Walls 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 to break up the Soil and Pavement of any Streets, Squares, Market Place, Courts, Yards, Highways, Roads, Ways, Lanes, Passages and other Places, or any Part of them, and to dig and sink Trenches

and Drains, and lay Mains or Pipes, and put Stop Cocks, Syphons, Plugs or Branches from such Pipes, in, under, across and along such Places as aforesaid, 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, Stop Cocks, Syphons, and Plugs or Branches, and also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus from any Main or Pipe laid in any Street, Square, Market Place, Court, Yard, Highway, Road, Way, Lane, Passage or other Place by the said Company by virtue of this Act, in, to, or through any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same, or any public or private Lamp from any of such Mains or Pipes, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring or ascertaining the Extent of such Supply, and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged in such Dwelling House or Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things as the said Company, and their Successors, shall from Time to Time think necessary and convenient for completing and amending, repairing, improving, supplying and sustaining the same, provided that the same be done with as much Dispatch as possible, and that a proper Compensation be made for any Damage done thereby: Provided also, nevertheless, that nothing herein contained shall authorize or empower the said Company to carry or lay any Pipe or Pipes to, through, or against any Dwelling House or Houses, Manufactories, private Buildings, Yards or Grounds, for the Purpose of lighting any other Dwelling House or Houses, Manufactories, private Buildings, or any other Place or Places, without the previous Consent of the Owner and Occupier of every such Dwelling House or Houses, Manufactories, private Buildings, Yards or Grounds, through which any such Pipe or Pipes may be carried or laid for the Purpose aforesaid.

Company to remove Pipes, &c. on private Property, on Notice.

XLVIII. Provided always, and be it further enacted, That in case any Pipes, Cocks or Branches, shall be carried or laid from any Main or Pipe of the said Company, into or through any private Dwelling House, Manufactory, Building, Yard or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard or Ground, in pursuance of and conformably to the Powers and Authorities in this Act contained, and the Owner and Occupier of any such private Dwelling House, Manufactory, Building, Yard or Ground, into or through which such Pipes, Cocks, or Branches shall pass or be laid, shall be desirous that the same Pipes, Cocks, and Branches shall be altered or removed, and taken away, and of such their Desire shall give Notice in Writing under their Hands to the said Company, then and in every such Case the said Company shall, at the Costs and Charges of the Parties requiring the same, within Fourteen Days after Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks and Branches, as shall have been so introduced and laid therein or thereupon, from any such Main or Pipe of the said Company as aforesaid; and in default thereof, it shall and may be lawful to and for such Owner and Occupier, or any other Person or Persons acting under their Authority, to cause

cause such Pipes, Cocks, and Branches to be altered or removed and taken away as the Case may require: Provided always, that if by the altering or removing and taking away of any such Pipes, Cocks or Branches, as last-mentioned, any Damage, Loss, or Injury shall be done, accrue, or be sustained to or by the said Company, either by losing the lighting of any public or private Lamp or Lamps or otherwise, then and in every such Case such Damage, Loss, or Injury shall be made good and paid to the said Company, by the Owner and Occupier requiring such Pipes, Cocks, or Branches to be so altered or removed, and taken away as aforesaid.

This Act not to affect the Property of the Dock Company or the Public Streets, and lighted by them, without previous Consent.

XLIX. Provided always, nevertheless, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Gas Light Company, their Servants, Agents, Workmen or others, to enter into or upon any of the Streets, Squares, Courts, Yards, Passages, Lanes and other Places, or into or upon any Lands or Grounds within the said Town of *Kingston-upon-Hull*, the said Lordship of *Myton* and Liberty of *Trippett*, and the said Parish of *Sculcoates*, or any or either of them, which are the Soil and Freehold of the said Dock Company, to break up the Soil and Pavement of the said Streets, Squares, Courts, Yards, Passages, Lanes, Places, Lands and Grounds, or to dig and sink Trenches and Drains, or to lay Mains or Pipes, or put Stop Cocks, Syphons, Plugs or Branches, from such Pipes, in, under, across and along such last-mentioned Roads, Places and Grounds, or any of them, or for carrying the Purposes of this Act into Execution, therein or thereupon, without the Authority in Writing of the said Dock Company, under their Common Seal, for that Purpose first had and obtained; any thing herein contained to the contrary thereof in any wise notwithstanding.

This Act not to affect the Powers of Commissioners, Assessors, &c.

L. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to defeat, abridge, alter, lessen, obstruct, or in any manner interfere with the Powers and Authorities of the Commissioners or Assessors for lighting, paving, draining, cleansing, and otherwise improving the said Town, Lordship, Liberty and Parish, or any or either of them, or the Rights and Powers of any Person or Persons lawfully authorized to make, enlarge, widen, deepen, repair, cleanse, scour or amend any Vault, Drain or Sewer, within the said Town, Lordship, Liberty, and Parish respectively.

Workmen in laying Pipes, to make good the Pavement.

LI. Provided always, and be it further enacted, That the Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Syphons or Branches, shall do as little Damage as may be, and shall forthwith fill in the Trenches and make good the Pavement and Roads, and carry away the Rubbish occasioned thereby; and if after such Pavements or Roads shall have been so repaired and made good, the same shall within Six Months thereafter give way or require relaying or repairing, in consequence of such Pavements or Roads having been broken up for the Purpose of carrying this Act into Execution, the same shall forthwith be done and performed by and at the Expence of the said Company; and the said Company shall and they are hereby required to repair any Damage arising from any Drains, Sewers, or Cuts which may be made for carrying off the Washings or Waste Liquids without any Delay; and shall in the meantime fence or guard and affix Lights during the Night at or

near

near the Place or Places where any Ground shall be opened, in such manner as to prevent Accidents to Passengers, Cattle, and Carriages, and by and according to the Directions and Provisions contained in all or any of the Acts of Parliament now in force for paving, lighting and improving the said Town, Lordship, Liberty and Parish, or for preventing Nuisances therein: Provided also, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or 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; or in case the same shall be imperfectly repaired; or in case the Ground so opened shall not be fenced or guarded and lighted, then and in every such Case it shall be lawful for the Person or Persons, or Body or Bodies Politic or Corporate, in whom the Right of Soil of such Pavements or Roads shall be, or to and for the Commissioners for paving or otherwise improving the said Town, Lordship, Liberty and Parish, or his or their Surveyor or Surveyors, or any other Person or Persons acting by or under their Authority, or the Surveyors of the Highways within the said Town, Township, Liberty and Parish for the Time being, to fill in such Ground and remove such Rubbish, and to repair and make good the Pavement of any Street, Square, Market Place, Court, Yard, Highway, Road, Way, Lane, Passage or other Place so broken up, and the reasonable Costs and Charges thereof shall be paid by the said Company or their Treasurer or Treasurers; and in Default of Payment thereof for Thirty Days next after the Amount thereof shall have been agreed on or ascertained, as herein provided, and Demand made for the Payment thereof (Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the Town and County of the Town of *Kingston-upon-Hull*, or for the East Riding of the County of *York*, or other Justice or Justices having Jurisdiction, (as the Case may require), a further Sum not exceeding Five Pounds, by way of Penalty, shall and may be charged upon the said Company, and recovered in the same manner as such Costs and Charges are herein-after authorized and directed to be recovered.

For protecting the Water Works.

LII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company, or any other Person or Persons under their Authority, in any way whatsoever, to interfere with or abridge the Rights or Privileges of any Person or Persons, Bodies Politic or Corporate, having any Right, Privilege, or Power to supply the Inhabitants of the said Town, Lordship, Liberty and Parish, any or either of them respectively with Water; and the said Company shall be and they are hereby made answerable for any Damage, Spoil, Injury or Mischief which shall be done to any of the Pipes, Works, or Property of such Person or Persons, Bodies Corporate or Politic, or the Pipes or Branches of any Person or Persons communicating with such Pipes, Works or Property, or which shall or may be sustained by them, or any or either of them, by reason or in consequence of any Act, Matter, or Thing, to be done or executed by the said Company, or any of their Agents, Servants or Workmen; and the said Company shall and they are hereby required to pay the Amount of such Damage, Spoil, Injury, or Mischief on Demand: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to enlarge or diminish

minish any of the Rights or Privileges which any Person or Persons, or Bodies Corporate or Politic, may have or enjoy for supplying the Inhabitants of the said Town of *Kingston-upon-Hull*, Lordship of *Myton*, Liberty of *Trippett*, and Parish of *Sculcoates*, or any or either of them with Water.

For the Protection of Water Pipes, and to prevent the Soil near them being broken up without previous Notice.

LIII. And be it further enacted, That when and as often as the said Company, or their Servants, Agents or Workmen, shall dig or sink any Trench or Trenches, for laying any Pipe or Pipes for the Conveyance of Gas or other Apparatus, or shall open any Ground for the Purposes of this Act, in, upon, or near to which any Water Pipe or Pipes belonging to the Proprietors for the Time being of the *Kingston-upon-Hull* Water Works, for conveying Water into, through, or about the said Town, Lordship, Liberty and Parish, any or either of them respectively, or any Branch or Service Pipe or Pipes, for the Supply of any Dwelling House or Building shall be laid, the said Company, their Servants, Agents or Workmen, shall and they are hereby required to give Twenty-four Hours previous Notice thereof in Writing to the Manager or Chief Clerk or Engineer for the Time being of the Proprietors of the *Kingston-upon-Hull* Water Works, to be left at the Dwelling House or Office of the said Manager or Chief Clerk or Engineer; and on every such Occasion the said Company, their Servants, Agents, and Workmen, shall under the Inspection of the Manager or Chief Clerk or Engineer for the Time being of the said Water Works, protect and secure such Water Pipe or Pipes from any Injury or Damage, and shall also repair and make good any Damage that shall or may be done to any such Pipe or Pipes on any such Occasion; and in default of repairing and making good any such Damage, the said Company shall for each and every such Default forfeit and pay to the Manager or Chief Clerk for the Time being of the *Kingston-upon-Hull* Water Works, for the Use of the Proprietors thereof, any Sum not exceeding Five Pounds, and also the Costs and Expences which shall have been incurred by the said Proprietors for the Time being in and about the protecting and securing of any such Water Pipe or Pipes, or in and about the repairing or making good any Injury or Damage that may have been done thereto by the Means aforesaid; such Costs and Expences to be ascertained by any Justice of the Peace for the said Town and County of the Town of *Kingston-upon-Hull*, or for the East Riding of the County of *York*, or other Justice or Justices having Jurisdiction, as the Case may require, and to be recovered in the same manner as any Expences or Penalty under this Act may be recovered.

Liberty to proceed without Direction of the Proprietors of the Water Works, after Notice.

LIV. Provided always, and be it further enacted, That in case the Proprietors for the Time being of the *Kingston-upon-Hull* Water Works, or their Manager, Chief Clerk or Engineer for the Time being shall, at the Expiration of the Notice herein-before directed to be given to them or him as aforesaid, neglect or refuse to inspect the digging or sinking of any Trench or Trenches for laying any Pipe or Pipes therein, or the opening of any Ground for the Purposes of this Act, as herein-before authorized, to be executed and performed under their Inspection as aforesaid, 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 Proprietors, or other Persons so acting as aforesaid, or their Manager, Chief Clerk or Engineer for

for the Time being: Provided also, 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 and Renewals as shall from Time to Time be requisite and necessary to be done in or about any of their Works, which shall have been originally executed under the Inspection or with the Consent of the said Proprietors, or such other Person or Persons acting as aforesaid.

Gas Pipes to be laid Four Feet from the Water Pipes, and in a particular Manner.

LV. And be it further enacted, That all and every the Pipes or other Conduits hereafter to be laid or used for the Conveyance of Gas, in, under, through, along, across or round any Street, Square, Market Place, Court, Yard, Highway, Road, Way, Lane, Passage, or other Place in the Town, Lordship, Liberty and Parish aforesaid, any or either of them, shall be laid at the greatest practicable Distance (and wherever the Width of the Carriageway in such Street, Court, Way or Place will allow thereof, at the Distance of Four Feet at least) from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down, by or by the Order of the Proprietors for the Time being of the *Kingston-upon-Hull* Water Works, for the Conveyance of Water in, under, through, along, across or round any of the said Streets, Squares, Market Places, Courts, Yards, Highways, Roads, Ways, Lanes, Passages, or other Places in the Town, Lordship, Liberty and Parish aforesaid, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall, wherever practicable, be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, as near as the situation will admit, and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in length, so that no Joint of any of the said Gas Pipes shall be nearer to any of the said Water Pipes than Four Feet at least, where the Width of the Street, Square, Market Place, Court, Yard, Highway, Road, Way, Lane, Passage or other Place will admit, and that such Gas Pipes so crossing the said Water Pipes, shall, for the whole Length thereof, be sufficiently bedded in with good sound Clay of a proper Consistence, and well worked and rammed into the Trenches all round the said Gas Pipes; and that in laying down the said Gas Pipes, the said Company shall in no case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials, and also wherever practicable lay and well and sufficiently Bed each and every of the Joints of the said Main Gas Pipes, and also the Joints or Screws of the Branch or Service Gas Pipes connecting with the Main Gas Pipes, and also the Joints of the Service or Branch Pipes for conveying the Gas from the Main Gas Pipes to the Houses and other Buildings, and all other Joints, Inlets, Apertures or Openings, which are or shall or may be made in any of the said Gas Pipes, with such Clay as aforesaid, all round the said several and respective Joints, Inlets, Apertures or Openings, and for Twelve Inches in length each way, from the Centre of each and every of the Caps or Joints in the Main Pipes, and of the Inlets, Apertures, Screws or Joints connecting the Service Pipes with the Main Pipes, and all other Joints, Inlets, Apertures or Openings therein, and for Six Inches at least, from the Centre of each of the Joints in the Service Pipes, so as to make and keep

keep all and every such Pipes, and the Screws, Joints, Inlets, Apertures or Openings therein respectively Air-tight, and to prevent the said Gas from escaping therefrom.

Company to prevent Gas escaping, &c. or Water Company to have certain Powers.

LVI. And be it further enacted, That whenever the said Gas shall be found to escape from any of the said Company's Pipes to be laid as aforesaid, so as to contaminate or affect the Water supplied by the *Kingston-upon-Hull* Water Works, to the Town, Lordship, Liberty and Parish aforesaid, any or either of them, the said Company shall immediately, on Notice thereof, to be left at the Office or usual Place of transacting the Business of the said Company, by the Manager or Chief Clerk or Engineer for the Time being of the Proprietors of the *Kingston-upon-Hull* Water Works, or by any Inhabitant of that Part of the said Town, Lordship, Liberty or Parish, any or either of them, where the Work so supplied shall be contaminated or affected as aforesaid, cause the most proper and speedy 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 each and every such Notice so left as aforesaid of any such Escape of Gas, effectually stop or prevent the same from further escaping, and wholly and satisfactorily remove the Cause of every such Complaint, then and in every such Case the said Company shall, on each and every Complaint of the said Water being tainted, contaminated, or affected by such Gas as aforesaid, forfeit and pay on Demand to the Manager or Chief Clerk or Engineer for the Time being of the Proprietors for the Time being of the *Kingston-upon-Hull* Water Works, for the Use and Benefit of the same Proprietors, the Sum of Forty Shillings, for each and every Day that the said Water shall in each and every Instance be and remain so contaminated, tainted, or affected by a continued Escape of such Gas as aforesaid; and in Default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information on the Oath or Affirmation of One credible Witness, to be exhibited by and in the Name of the Manager or Chief Clerk or Engineer, or other Officer or Servant for the Time being, of the Proprietors for the Time being of the *Kingston-upon-Hull* Water Works, or by such Inhabitant as aforesaid, against the said Company, before any Justice of the Peace of the said Town and County or Riding, or other Justice or Justices having Jurisdiction, as the Case may require, with Costs, to be ascertained by such Justice, and to be levied 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 of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Manager or Chief Clerk or Engineer for the Time being of the Proprietors for the Time being of the *Kingston-upon-Hull* Water Works, for the Use of the said Proprietors: Provided nevertheless, that if it shall appear to the Justice before whom such Complaint shall be exhibited, that the said Company shall have used all due Diligence within the Twenty-four Hours after such Notice shall have been so left as aforesaid, and shall thenceforth continue to use all such due Diligence, until the said Complaint shall be effectually removed, then and in every such Case the said Company shall not be subject or liable to the afore-mentioned Penalty.

LVII. And

For stopping the Escape of Gas.

LVII. 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, by Parole or in Writing, of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from further escaping; and in case the said Company shall not, within Twenty-four Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from further escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty shall from Time to Time be recoverable in a summary Way on the Oath or Affirmation of One or more credible Witness or Witnesses, by Information to be laid and exhibited by such Person or Persons signing such Notice as aforesaid, before some One or more Justice or Justices of the Peace for the said Town and County or Riding, or other Justice or Justices having Jurisdiction, as the Case may require, 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 of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered from the said Company; and the same shall, when recovered, be paid One Half to the Person or Persons so giving such Notice as aforesaid, and the other Half to the Guardians or Overseers of the Poor of the Parish in which the Escape of such Gas shall take place.

Company to raise, sink, or alter Pipes, &c. upon Notice, or may take some away.

LVIII. And be it further enacted, That if for the Purposes of more effectually lighting, cleansing, draining, paving, or otherwise improving the said Town, Lordship, Liberty and Parish, any or either of them, or preventing Nuisances therein, it shall at any Time or Times be deemed necessary or expedient by the said Mayor and Burgesses or Dock Company, or any Commissioners or other Persons acting under the Authority of any Act of Parliament, or any Person or Persons having the Right of Soil of such Pavements, Roads or Ways, or the Surveyors of the Highways in the said Town, Lordship, Liberty or Parish respectively, to require the said Company to move, raise, sink or alter the Situation of any of the Mains, Pipes, Stop Cocks, Plugs, Syphons or Branches which shall be laid down for the Purposes aforesaid, the said Company shall within Seven Days next after being required so to do, by Notice in Writing to them given by the Person or Persons aforesaid, having the Right to give the same, or their Clerk or other Officer or Manager thereunto authorized, commence moving, raising, sinking, or altering such Mains, Pipes, Stop Cocks, Plugs, Syphons or Branches according to such Notice, in such Manner and in such Place or Places as the said Mayor and Burgesses, or Dock Company, or such Commissioners, Surveyors, or other Person or Persons authorized as aforesaid, shall think right and proper, and with all possible Dispatch complete the same; or at the Option of the said Company, they shall and may remove and take away such Mains, Pipes, Stop Cocks, Plugs, Syphons or Branches, and all or any of the Lamp Posts,

Lamp Irons, and other Materials and Things belonging to the said Company, connected or communicating therewith, the Costs and Charges of which said moving, raising, sinking, altering and removing, as well as of filling up the Trenches, and making good the Roads and Pavements which shall have been opened, excavated, or dug up for any of the Purposes aforesaid, shall be paid and borne by such Party or Parties, as one or more Justice or Justices of the Peace of the said Town and County or Riding, or other Justice or Justices having Jurisdiction, as the Case may require, shall adjudge and determine to bear and pay the same; and which said Justice or Justices is and are hereby authorized and directed to decide and determine within Seven Days after Application shall be made to him or them by either Party; and in case the said Company shall neglect or refuse to conform to such Notice, or to remove and take away such Mains, Pipes, Stop Cocks, Plugs, Syphons or Branches, and to fill up the Trenches, and make good the Roads and Pavements which shall have been opened, excavated, or dug up for any of the Purposes aforesaid, then and in either of such Cases the said Company shall after Conviction thereof, before any One or more Justice or Justices of the Peace for the said Town and County or Riding, or other Justice or Justices having Jurisdiction, as the Case may require, on the Oath of One or more credible Witness or Witnesses, of the Delivery of such Notice or Notices, and the Neglect or Refusal of the said Company to comply therewith, forfeit and pay the Sum of Forty Shillings for every Day that such Neglect or Refusal shall be made or continued.

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

LIX. Provided always, and be it further enacted, That no Person or Persons 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, under their Common Seal, first had and obtained, nor 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 Five Pounds for each and every Day such Pipe shall so remain, 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 Town and County or Riding, or other Justice or Justices having Jurisdiction, as the Case may require, and which Warrant such Justice or Justices shall and 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 to the House of Correction or Common Gaol of the said Town and County or Riding, as the Case may require, 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 of Proprietors, if they shall so think fit, to take off the Gas from the House and Premises of the Person so offending by laying such

Pipes, committing such Excess, or furnishing such Supply of Gas as aforesaid, notwithstanding any Contracts or Agreements which may have been previously entered into.

Power to convey Washings.

LX. And be it further enacted, That it shall be lawful for the said Company to make such Sewers or Conduits into the public Sewers and Drains already made, or which may hereafter be made in the said Town, Lordship, Liberty or Parish, any or either of them; and where no such public Sewers or Drains are or shall be made, then the said Company shall and may at their own Expence 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 Town, Lordship, Liberty and Parish, any or either of them respectively, for the Purpose of carrying off the Washings and other waste Liquids 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, Conduits and Cuts, and immediately repairing at their own Expence all such Damage; provided that such Washings or other waste Liquid Matter, made in the Process of manufacturing such Gas, shall be conducted or conveyed in and through the nearest public Drains or Sewers in the said Town, Lordship, Liberty or Parish, unless the same shall be found noisome or injurious, in which Case the said Company shall, upon being required so to do by any Justice of the Peace for the said Town and County or Riding where the same may be situated, cause the Sewers or Cuts to be made by them, and communicating with the said public Drains and Sewers, to be removed therefrom, and conducted or conveyed in a different Channel underground, without Openings to the Air, into some proper Receptacle; provided also, that no such Washings or other waste Liquid, or other Matter or Thing arising or made in the Manufacture of such Gas, shall be conducted or conveyed into any of the Docks, or any Brook or Stream of fresh Water whatsoever.

Company not to injure public Drains.

LXI. Provided always, and be it further enacted, That the said Company or their Successors, Servants, Agents, Workmen or others, shall not, by any Work to be done by virtue of this Act, damage or injure any public Sewer or Drain, within the said Town, Lordship, Liberty or Parish; and if any Damage or Injury shall unavoidably be done to any such Sewer or Drain, the said Company, or their Successors, shall forthwith well and sufficiently repair and make good every such Damage or Injury; and in Default thereof then such Damage shall be recovered by the Commissioners for draining the said Town, Lordship, Liberty and Parish, or the Surveyors of the Highways therein for the Time being, in the Manner herein-after mentioned.

Power to contract for lighting with Gas.

LXII. And be it further enacted, That it shall and may be lawful for the said Company from Time to Time to treat and negociate with any Body or Bodies Corporate and Politic, as well as any Commissioners for the Time being, or Persons acting in Execution of any Act or Acts of Parliament, having local Authority, or empowered thereto by this Act, and to enter into and execute any Contracts which may be agreed upon for lighting with Gas any Lamp or Lamps in the said Town, Lordship, Liberty, and Parish, any or either of them, or any Part thereof, but subject

ject to such and the like Controul and Direction as is or are reserved and contained in the said Act or Acts of Parliament, or any of them, for lighting or otherwise improving the same Town, Lordship, Liberty and Parish, or any of them.

Service Pipes to be kept fully charged with Gas.

LXIII. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put up by the said Company for lighting the Streets, Squares, and other public Places of the said Town, Lordship, Liberty and Parish, any or either of them, under any Contract or Agreement with the said Commissioners, or other Persons thereunto authorized, shallbe keptfully charged with Gas, and the Stop Cocks shall be so formed and turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas, during the Time the same shall be lighted.

If Contracts be not duly performed, they may be voided on giving Notice.

LXIV. And be it further enacted, That if the said Company shall contract with any such Commissioners, Assessors, or any Party or Parties as aforesaid, for lighting the said Town, Lordship, Liberty, Parish, or Place, or any Part of the same respectively, or any public or other Buildings therein, and shall not duly perform such Contract, then and in such Case it shall and may be lawful for such Commissioners, Assessors, Party or Parties, to determine such Contract, giving Three Calendar Months Notice thereof; and then and in such Case, and also at the Expiration of any Contract so to be made, it shall be lawful for the said Company, at the Expiration of such Contract or Determination thereof, by such Notice, to remove the Mains, Pipes, Cocks, Plugs, Branches, Lamp Posts, Lamp Irons, and other Materials belonging to the said Company, and employed in lighting such Town, Lordship, Liberty, Parish, or Place, or any Buildings herein as aforesaid.

In case of Determination of Contracts, Streets, &c. to be made good by the Company.

LXV. Provided always, and be it further enacted, That in all and every Case where the Contract or Contracts so to be made and entered into by the said Company, shall be determined as aforesaid, and the Mains, Pipes, Cocks, Plugs, Branches, Lamp Posts, Lamp Irons, and other Materials belonging to the said Company, shall be taken away and removed by them, the said Company shall make good and repair the Pavements and Roads which shall have been opened or broken up by them for that Purpose, without Delay; or in default thereof the same shall and may be repaired and made good by the Commissioners acting in Execution of the said Acts, for paving the said Town, Lordship, Liberty, or Parish, or the Surveyors of the Highways for the same, or other Person or Persons having the Right of Soil in such Pavements or Roads, and the Costs and Charges attending the same shall be paid by the said Company, and be recovered as herein-after mentioned.

Remedy for Recovery of Rents.

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

the Hands and Seals of any Two of the Justices of the Peace for the said Town and County or Riding, or other Justice or Justices having Jurisdiction, as the Case may require, 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 Party or Parties so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Party or Parties 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.

Penalty for damaging Pipes.

LXVII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Post, Plug, Lamp, or other Apparatus, Matter, or Thing belonging to the said Company, or shall wilfully or maliciously waste or improperly use any of the Inflammable Air or Gas supplied by the said Company, or shall wantonly or maliciously hinder or interrupt the said Company or their Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing or attending any of the Works, or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done, (other than and except under or by virtue or in Execution of all or any of the said Acts now in force for lighting, paving, draining, cleansing, or otherwise improving the said Town, Lordship, Liberty, and Parish, or of all or any of the Powers and Authorities hereby reserved to or for the said Mayor and Burgesses or Dock Company, and the said Commissioners, Assessors, or other Persons lawfully authorized by the said Acts, or any of them, proper Compensation being made and given to the said Company for any Damage or Injury which shall happen or be occasioned thereby), every Person so offending in any of the respective Premises, (other than and except as aforesaid), and being thereof lawfully convicted, on the Oath or Affirmation of One credible Witness, before One or more Justice or Justices of the Peace for the said Town and County or Riding, or other Justice or Justices having Jurisdiction, as the Case may require, shall forfeit and pay to the said Company, any Sum not exceeding the Sum of Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; such Penalty and Damage, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels; or such Offender shall and may be committed to the House of Correction or the Common Gaol of the said Town of *Kingston-upon-Hull*, or East Riding of the County of *York*, as the Case may require, there to remain for any Time not exceeding Three Calendar Months.

For compelling the Attendance of Witnesses.

LXVIII. 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 Prosecutor or on behalf of the Person or Persons accused, and (after having been paid or tendered a reasonable Sum for his, her, or their

their Costs, Charges, and Expences, if the same shall be required by such Witness or Witnesses) 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 to appear, or shall refuse to be examined upon Oath or Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer), and to give Evidence before such Justice or Justices, then and in every such Case such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

For ascertaining and compelling Payment of Costs, Damages and Expences.

LXIX. And be it further enacted, That in all Cases where any Costs, Charges, Damages, Compensations, or Expences, are by this Act directed to be paid or received by the said Company, to or from any Body Corporate or Politic, Commissioners, Assessors, or other Person or Persons, and the Amount of such Costs, Charges, Damages, Compensations, or Expences shall not be agreed on by or between the Parties, and is not herein or hereby otherwise directed or authorized to be ascertained and recovered, the same shall be settled and determined by any Two or more Justices of the Peace (having Jurisdiction in the Place where such Costs, Charges, Damages, Compensations, and Expences shall arise or be incurred), and who are hereby authorized and required, within Seven Days next after Complaint or Application shall be made to them for that Purpose, by the Party aggrieved or entitled to claim Compensation, to inquire into, and upon the Oath or Affirmation of One or more credible Witness or Witnesses, ascertain and determine the same in a summary Way; and in case the Amount of such Costs, Charges, Damages, Compensations, and Expences, so to be ascertained and determined as aforesaid, shall not be paid and discharged within Ten Days next after the same shall have been so ascertained and determined, and Demand of Payment having been duly made, the Amount thereof, or of so much thereof as shall then remain unpaid, together with any Penalties which may then have been incurred in consequence of such Non-payment, shall and may, upon Proof by the Oath or Affirmation of One or more credible Witness or Witnesses, of such Demand and Neglect of Payment, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties to whom it shall belong, to pay the same together with the Costs of such Distress and Sale by Warrant under the Hands and Seals of Two or more Justices of the Peace (having Jurisdiction), which Warrant they are accordingly hereby authorized and directed to grant; and for the Purpose of being executed in a different Jurisdiction to that in which such Warrant shall have issued, such Warrant shall and may be indorsed by the Justice or Justices of such other Jurisdiction, in the like Manner as Warrants of Distress and Sale are now permitted and authorized; and the Amount which shall be recovered and received under such Warrant, shall be paid to the Party or Parties authorized to claim and receive the same, under the Provisions herein contained, who, after deducting the necessary Charges of making such Distress and Sale, shall pay over the Surplus thereof (if any) to the Party or Parties so refusing or neglecting, or the Amount, which shall be so ascertained and determined as aforesaid, may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

LXX. And

Recovery and Application of Penalties.

LXX. 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 Recovery of such Penalties or Forfeitures is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace for the said Town and County, or Riding, or other Justice or Justices having Jurisdiction, as the Case may require, in a summary Way, and who is hereby authorized and empowered to convict the Offender or Offenders upon Information, by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation 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, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Guardians or Overseers of the Poor of the Parish wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice, for his or their Appearance before such Justice, 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 Twenty-one 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 sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, 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 Common Gaol for the Town of *Kingston-upon-Hull*, or for the East Riding of the County of *York*, as the Case may require, for any Time not exceeding Three Calendar Months.

LXXI. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following, shall be good, without alleging more than the Substance of the Offence; *videlicet*,

Form of Conviction.

'Town of Kingston-upon-Hull, and County of the same Town, to wit, [or, East Riding of the County of York, (to wit) *as the Case may require.*]

BE it remembered, That on the Day of in the Year of our Lord is [*or*, are] convicted before me [*or*, us, *as the Case may be*] of His Majesty's Justices of the Peace for the said Town and County of *Kingston-upon-Hull*, [*or*, the said East Riding of the County of *York*, *as the Case may require*], by virtue of an Act of Parliament passed in the Second Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act*] of having [*specifying the*

'*the Offence, and the Time and Place when and where the same was committed, as the Case shall be*] contrary to the said Act, and for which Offence, I [*or*, we, *as the Case shall be*] do adjudge the said to have forfeited the Sum of . Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year first above written.'

Proceedings to be within Six Calendar Months.

LXXII. 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 of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, unless Information respecting such Offence or Offences shall have been lodged before a Magistrate, within Six Calendar Months next after such Offence is committed.

Distress not unlawful for Want of Form.

LXXIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same a Trespasser or Trespassers on account of any Defect or Want of Form in any of the Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any subsequent Irregularity in the Party or Parties so distraining, but the Person or Persons aggrieved may recover by Action on the Case full Satisfaction for the Special Damage by him or them sustained in consequence of such Irregularity; but no Person or Persons shall recover in any such Action if Tender of sufficient Amends shall before such Action brought have been made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity as aforesaid, or shall have been guilty of any Trespass or other wrongful Proceeding; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court in which any such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, and Judgments, shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Nothing in this Act to prevent Company from being indicted for a Nuisance.

LXXIV. 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 the said Company, or against any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or the Method which shall be employed by them for furnishing such Lights as aforesaid, as a public or private Nuisance, or from bringing any Actions against the said Company, or any of their Officers, Servants, or Workmen for any Injuiry sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of Lighting, or the Carelessness or Want of Skill in the Persons employed therein.

This Act not to affect the Acts for paving, lighting, &c.

LXXV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, annul, alter, or otherwise affect all or any of the Provisions or Enactments contained in the said Acts for lighting, paving, draining, cleansing, and other-

otherwise improving the said Town, Lordship, Liberty, or Parish, or any or either of them, nor to exempt, excuse, or discharge the said Company, their Officers, Servants, or Workmen, from all or any of the Fines, Penalties, Forfeitures, Punishments, Costs, Charges, or other Matters or Things imposed or charged, or which may be recovered or levied under or by virtue of the said Acts of Parliament, any or either of them, for or by reason of the neglecting or omitting to light, or insufficiently lighting all or any of the Lamps to be fixed, erected, and placed by the said Company, in all or any of the public Streets, Squares, Market Places, Courts, Yards, Highways, Roads, Ways, Lanes, and Passages in the said Town, Lordship, Liberty, or Parish respectively, or for or in respect of the Breach and Non-performance of all or any of the Contracts which shall or may be made and entered into by the said Company, to or with the said Commissioners, Assessors, or others, acting in Execution of the said Acts of Parliament, or any of them, for lighting the said Town, Lordship, Liberty, or Parish with Gas, under or by virtue of this Act, or for or by reason of any Nuisance, Obstruction, Annoyance, Offence, or other Matter or Thing to be done or committed by the said Company, their Officers, Servants, or Workmen, contrary to all or any of the Provisions and Enactments in the said Acts or any of them expressed and contained in anywise howsoever.

nor to exempt the Company from the Penalties.

LXXVI. And be it further enacted, That if the said Company or any Person or Persons shall think themselves, himself, or herself aggrieved by any thing done or to be done in pursuance of this Act, or by any Bye Law, Rule, or Order to be made in pursuance hereof, (and for which no particular Mode of Relief is herein-before appointed), the said Company, or such Person or Persons, may appeal to the Justices of the Peace, at the General or Quarter Sessions of the Peace to be held for the Town and County, Riding or Place, where the Cause of Appeal shall have arisen, within the Space of Four Calendar Months next after the Cause of Appeal shall have arisen, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Cause thereof, to the said Company or other the Respondent or Respondents, and within Ten Days next after such Notice given, enter into a Recognizance before One of His Majesty's Justices of the Peace for the said Town and County, Riding or Place, or other Justice or Justices having Jurisdiction, as the Case may require, with Two sufficient Sureties, conditioned to try such Appeal at such General or Quarter Sessions, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to either Party as they shall think proper; and the Determination of the Justices at such Sessions shall be final, binding, and conclusive upon all Parties.

Appeal.

LXXVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, 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 Chairman of the said Committee of Management for the Time being, or left at his last

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

last or usual Place of Abode, or upon the Clerk of the said Company for the Time being, 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 Committee of Management for the Time being, 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.

General Saving of all Rights.

LXXVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to the Mayor and Burgesses of the said Town or Borough of *Kingston-upon-Hull*, and their Successors, and to the Guild or Brotherhood of Masters and Pilots, Seamen of the Trinity House of *Kingston-upon-Hull*, and their Successors, and to the said Dock Company at *Kingston-upon-Hull*, and their Successors, and to the Commissioners, Assessors, or others, acting under or by virtue of any Act or Acts of Parliament now in force for cleansing, lighting, and watching and otherwise improving the said Town, Lordship, Liberty and Parish, any or either of them, or any Part thereof, and to any other Person or Persons having the lawful Controul, Direction, or Management of lighting or paving the said Town, Lordship, Liberty or Parish, or either of them, or any Part thereof, their respective Rights, Privileges, Powers, Authorities and Trusts, Franchises and Immunities, as fully and completely in every respect as they respectively enjoyed the same before the passing of this Act.

Expences of the Act how to be paid.

LXXIX. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining and passing this Act, shall be paid and discharged out of the Monies already subscribed, or out of the first Monies which shall be subscribed for the Purposes of this Act.

Public Act.

LXXX. 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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