

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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have proceeded to carry the said Undertaking into effect, and such Shares (except Eighty Shares reserved by the said Company) have been paid up, and the whole of the Sum so paid up, amounting to Eighteen thousand four hundred Pounds, has been laid out in the purchasing of Lands, erecting Buildings and Apparatus, and in purchasing, furnishing, providing, and laying down very extensive Lines of Gas Pipes, and in the Manufacture and Supply of Gas, in the said Town and Neighbourhood, to the great Benefit and Advantage of the said Town and Neighbourhood, and of the Public resorting thereto and passing through the same; and such Persons are desirous of being incorporated by Authority of Parliament for more conveniently, efficiently, and effectually carrying on the said Undertaking, and of raising a larger Capital or Joint Stock for extending their Works, and affording an enlarged and more effectual Supply of Gas Light in the said Town and Neighbourhood aforesaid: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Henry Jephson* M. D., *Samuel Edward Steward*, *Henry Bennison*, *Robert Gill*, *Edward Lloyd*, *Lewis Lloyd*, *William Crowe*, *Edmund Major*, *George Henry Deane* Clerk, *Thomas Cooke*, *Thomas Smith*, *Thomas Charles Geldart*, *Elizabeth Batten*, *Joshua King*, *Benjamin Smart*, *John Hardman* senior, *John Hardman* junior, *Richard Jones*, *Thomas Pilkington*, *D'Arcy Boulton*, *John Hanmer*, *Edwin Woodhouse*, *Edmund Byron*, *John Russell*, *John Grafton*, *William Hunt*, *John Pickup*, *William Lionel Lampet*, *Jonathan Henry Key*, *Edward Harrison Barwell*, *Jonathan Dawson*, *William Maxey*, *Robert Mousley*, *William Crofts*, *Catherine Roberts*, *William Francis Patterson*, and all and every such other Person and Persons as shall or may from Time to Time, in such Manner as herein-after is mentioned, become a Proprietor or Proprietors of Shares in the Undertaking hereby established, and their respective Executors, Administrators, and Assigns, shall be and they are hereby united into a Company, and declared to be One Body Politic and Corporate, by the Name of "The *Leamington Priors* Gas Light and Coke Company," and by that Name shall have perpetual Succession, and a Common Seal, with full Power and Authority to use the same, and by that Name shall and may sue and be sued, plead and be impleaded at Law and in Equity, and petition for and prosecute any Fiat in Bankruptcy, or any other Proceedings whatsoever, and shall and may prefer and prosecute any Bill or Bills of Indictment, Information, or Complaint for any Felony, Misdemeanor, or other Offence indictable or otherwise punishable by the Laws of this Realm, and shall by that Name be authorized and empowered to hold the Lands, Tenements, and Hereditaments already conveyed to the Trustees of the aforesaid Association, without being subject to the Penalties of the Statutes of Mortmain, and which said Lands, Tenements, and Hereditaments are hereby vested in the said Company, their Heirs and Assigns, in such and the same Manner as the same were immediately before the passing of this Act vested in the said Trustees.

Proprietors incorporated.

Style of Company.

II. And

Purposes of the Company.

II. And be it further enacted, That the said Company shall be established for the Purpose of producing Inflammable Air or Gas from Coal, Oil, Tar, Pitch, and other Materials, and for lighting with Gas all Streets, Roads, Lanes, public Passages and Places, and also Shops, Inns, Taverns, private Houses, Manufactories, Warehouses, and public Buildings within the said Town and Parishes of *Leamington Priors*, *Milverton*, *Whitnash*, *Lillington*, and *Radford Semele*, or any or either of them, and shall have full Power from Time to Time to make Contracts and agree with any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Corporation or Corporations Aggregate or Sole, who may be willing and desirous of contracting or agreeing with the said Company for the lighting and supplying with Gas the said Parishes or Places, or any or either of them, and the several Streets, Squares, Lanes, Roads, Passages, or other public Places therein, or any Churches or Chapels, or any Theatre or Places of public Amusement, Manufactories, Shops, Inns, Taverns, Dwelling Houses, Buildings, or other private Places within the said Parishes and Places, and to sell and dispose of such Coke, Oil, and all other Products as aforesaid, in such Manner as the Company shall think proper.

Power to purchase Lands.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time to purchase any Messuages, Lands, Tenements, or Hereditaments by way of absolute Sale in Fee Simple, or any Estate, Term or Terms of Years, or other Interest therein, for one gross Consideration in Money to be paid by the said Company for the Purposes of this Act, of any Person or Persons whomsoever who shall be willing to sell the same; and it shall be lawful for the said Company to hold such Messuages, Lands, Tenements, and Hereditaments, and any Estate, Term and Terms for Years, and other Interest therein so purchased, without incurring or being subject to any Penalties or Forfeitures of the Statutes of Mortmain, or any other Law or Statute whatsoever: Provided always, that it shall not be lawful for the Company to purchase or hold at any One Time a larger Quantity of Land than Five Statute Acres.

Form of Conveyance to the Company.

IV. And be it further enacted, That all 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,)

'I [*or* we, *as the Case may be*] of
'in consideration of Pounds paid to me [*or* us]
'by the 'The *Leamington Priors* Gas Light and Coke Company,'
'established under and by virtue of an Act passed in the First
'Year of the Reign of our Sovereign Lady Queen *Victoria*, intituled
'[*here insert the Title of this Act*], do hereby grant and release or
'assign [*as the Case may be*] to the said Company and their Successors all [*here describe the Premises to be conveyed*], and all my
'[*or* our] Right, Title, and Interest in and to the same and every
'Part thereof, to hold to the said Company, and their Successors and
'Assigns, for ever [*as the Case may be*], during all the Remainder

'of

'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 One thousand eight hundred and .'

And every such Sale, Conveyance, and Assurance, so made shall be good, valid, and effectual as to and against the Person or Persons making the same, and all other Persons claiming or to claim by, from, under, or in Trust for him, her, or them respectively; and the same shall be deemed and construed to merge all Terms of Years, and to bar the Dower and Dowers of the Wife and Wives of such Person and Persons.

Power to re-sell Lands not wanted.

V. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, and by Indenture under their Common Seal to grant and convey in Fee Simple, or for such other Estate as they may have therein, all or any Part of any Lands, Tenements, or Hereditaments purchased by or belonging to the said Company, and which shall not be wanted for the Purposes of this Act; and all such Conveyances shall be good, valid, and effectual, any Law, Statute, or Custom to the contrary notwithstanding; and upon Payment of the Money which shall arise by Sale of any such Lands, Tenements, or Hereditaments it shall be lawful for the Treasurer of the said Company to sign and give Receipts for the Monies for which the same shall be sold, which Receipts shall be sufficient Discharges to every Person for the Purchase Money for which any such Lands, Tenements, or Hereditaments shall be sold, or for so much thereof as in such Receipts shall be expressed to be received; and no such Purchaser shall be answerable for any Loss, Misapplication, or Nonapplication of such Purchase Money.

Limiting the Amount of Capital Stock.

VI. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, or by the Admission of new Subscribers, in addition to the said Sum of Twenty thousand Pounds, any Sum or Sums of Money which they shall think necessary for extending, completing, or carrying on the said Undertaking and the Purposes of this Act, provided that the whole Capital of the said Company shall not exceed Thirty thousand Pounds.

Capital or Joint Stock divided into Shares of 20*l.* each.

VII. And be it further enacted, That the Capital of the said Company shall be divided into Shares of Twenty Pounds each; and such Shares as shall be issued after the passing of this Act shall be numbered, beginning with Number Nine hundred and twenty-one, and proceeding with immediately ascending Numbers in regular arithmetical Progression; and the Shares in the original Undertaking subscribed before the passing of this Act which are already numbered from Number One to Number Nine hundred and twenty inclusive, and all future and new Shares in the said Undertaking, shall always be distinguished by the Number applied or to be applied to the same; and the Capital and Joint Stock of the said Company shall

be and is hereby vested in the several Persons who now hold and who shall hereafter subscribe to the said Undertaking, their several and respective Executors, Administrators, and Assigns, proportionably to the Number of Shares which they shall severally possess therein; and all Persons, their several and respective Executors, Administrators, and Assigns, who shall severally hold Shares, shall be entitled to and receive, at such Time and Times as the said Company shall direct, the entire and net Distribution of an equal proportionable Part (according to the Number of Shares held by them respectively) of the net Profits and Advantages of the said Undertaking that shall and may arise and accrue to, or be raised, recovered, or received by the said Company; and every Person and Persons having or holding any such Shares as aforesaid shall bear and pay a proportionable Sum towards carrying on the Purposes of this Act in manner herein directed and appointed; and all and every Person or Persons who are now entitled to and in the actual Possession of any of the said Nine hundred and twenty Shares in the original Undertaking, and his, her, or their Executors, Administrators, or Assigns, and all and every Person or Persons who, after the passing of this Act, shall subscribe for or become entitled to and shall be in the actual Possession of any Shares in the Capital or Joint Stock of the said Company, and his, her, or their Executors or Administrators, shall be deemed to be Proprietors or a Proprietor of the said Undertaking, subject to the Provisions and Regulations in this Act contained.

Company may sell the Eighty reserved Shares.

VIII. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of the said Eighty Shares so reserved as aforesaid for such Price or Prices as can be obtained for the same, and that the Monies thereby arising shall be added to and form Part of the Joint Stock or Funds of the said Company.

Shares to be deemed Personal Estate.

IX. Provided always, and be it further enacted, That all Shares in the said Undertaking, and in the Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and shall be transmissible accordingly.

Company's Property answerable for their Debts.

X. And be it further enacted, That the Lands, Tenements, and Hereditaments, of what Tenure soever, Manufactories, Gasometers, Machinery, Apparatus, and Works, Chattels and Effects of the said Company, shall be answerable for and subject to the just Debts, Liabilities, Engagements, and Demands of all and every the Creditors of the said Company.

Persons forming the old Association to continue liable for Contracts, &c., and Persons forming the incorporated Company to be liable to Contracts,

XI. And be it further enacted, That the several Persons now composing the said Association shall severally and respectively stand personally responsible and answerable for all the just Debts of the same Association already incurred, and for all just Demands of the Creditors of the same Association now existing, and for the due Performance of all Contracts and Engagements already entered into by the said Association, and for all Damages already occasioned by the Execution of the said Undertaking, in such and the same Manner as the said Association were responsible and answerable immediately before the passing of this Act; and that from and after the passing of

&c. to the Amount of their Shares, and no further.

of this Act the several Persons composing the said Company shall severally and respectively stand personally responsible and answerable for all just Debts of the said Company, and to and for all just Demands against the said Company, and for the due Performance of all Contracts and Agreements to be entered into by the said Company, and for all Damages that shall or may be occasioned by the Execution of this Act, to the full Amount of their several and respective Shares in the said Capital, but not further or otherwise.

Power to raise Money by Mortgage.

XII. And whereas more than One Half of the said Capital Sum of Thirty thousand Pounds hath been paid up; be it therefore further enacted, That in case the said Company shall be desirous of raising any Sum of Money for the Purposes of this Act by Mortgage of the said Undertaking, it shall be lawful for the said Company to borrow and take up Interest such Sum or Sums for the Use of the said Company as they shall think proper, not exceeding Ten thousand Pounds, and either in one Sum or in several Sums, on the Credit of the said Undertaking, and the Buildings, Lands, and Tenements, and the Profits and Advantages thereof arising to the said Company by virtue of this Act, and thereupon, by Writing under their Common Seal, to mortgage and assign all or any Part of the Property and Effects of the said Company to such Persons as shall lend any such Money, or to his, her, or their Trustee or Trustees, Assignee or Assignees, as a Security for the Principal Money to be advanced, together with lawful Interest for the same; and the Charges and Expences of such Mortgage or Assignment shall be from Time to Time defrayed by the said Company out of the Money so borrowed; and every such Mortgage or Assignment shall be made by Deed duly stamped, in which the Consideration shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'WE, "The *Leamington Priors* Gas Light and Coke Company," acting in pursuance of an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act* [*here insert the Title of this Act*], in consideration of the Sum of lent to the said Company by of in the County of for the Purposes of the said Act, do hereby grant and assign unto the said [*or* his *or* her *or* their Trustee or Trustees, *as the Case may be*,] his [*or* her *or* their] Executors, Administrators, and Assigns, such Proportion of the Property and Effects belonging to the said Company as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed by virtue of the said Act, to be had and holden from the Day of the Date hereof until the said Sum of with Interest after the Rate of *per Centum per Annum* for the same, shall be fully paid and satisfied. In witness whereof we the said Company have hereunto set our Common Seal the Day of in the Year of our Lord One thousand eight hundred and .'

And every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person to whom the same shall be made, his Executors, Administrators, or Assigns, to the Payment thereof,

and to all Profits and Advantages thereof, according to the Form of the Words of such Security, and to the true Intent and Meaning of this Act; and a Copy of every such Security shall be entered in the Books of the Company.

Power of transferring Mortgages in a prescribed Form.

XIII. And be it further enacted, That it shall be lawful for the several and respective Persons entitled to any of such Mortgages or Assignments, and their respective Executors, Administrators, or Assigns, at any Time, by Writing under their respective Hands and Seals, to transfer the same to any Person or Persons whomsoever; and every such Transfer shall be made by Deed duly stamped, in which the Consideration shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I *A. B.*, being entitled to the Sum of under or by virtue of a Mortgage or Assignment bearing Date the Day of under the Common Seal of "The *Leamington Priors* Gas Light and Coke Company," in pursuance of an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act* [*here insert the Title of this Act*], and in consideration of the Sum of paid by of in the County of to me at or before the Execution of this Deed, do hereby assign and transfer all my Right and Interest in and to the said Sum of and to the Property and Effects assigned to me, for securing the same unto the said his [*or* her] Executors, Administrators, or Assigns. Dated the Day of in the Year of our Lord One thousand eight hundred and .'

And every such Transfer shall be produced to the Clerk to the said Company, who shall cause a true Copy thereof to be entered in the Books of the Company; and for the entering of every such Transfer the said Clerk shall be paid by the Person or Persons to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after the entering thereof as aforesaid, shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the Security thereby transferred.

No Priority of Mortgages.

XIV. And be it further enacted, That all Persons to whom any such Mortgage or Assignment shall be made shall be equally entitled, one with the other, to the said Undertaking and Property and Effects of the said Company, and the Profits and Advantages thereof so to be assigned, in proportion and according to the respective Sums in such Securities mentioned to be advanced, without any Preference by reason of the Priority of any such Assignment, or on any other Account; and it shall not be lawful for any Person who shall have made any Transfer to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; but neither such Mortgagee nor his Assignee shall be deemed a Proprietor of the said Undertaking, or be capable of acting in respect thereof as such.

XV. And

Power to make Calls.

XV. And be it further enacted, That the said Company, at any General Meeting or Special General Meeting to be called for that Purpose, or at any Adjournment thereof respectively, shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Subscribers or Proprietors of Shares in the said Undertaking who shall not have then already paid or contributed to the full Amount or Sum of Twenty Pounds upon or in respect of each Share, their Executors, Administrators, Successors, or Assigns, as the said Company shall from Time to Time find expedient for the Purposes of the said Undertaking, so that no such Call do at any one Time exceed Five Pounds upon each Share of Twenty Pounds, and so that no Calls shall be made but at the Interval of Three Calendar Months at least from each other, and so that the total Amount of such Call or Calls shall not exceed the Sum of Twenty Pounds in respect of each Share held by the several Proprietors, and so that Fourteen Days Notice at the least shall be given of every such Call as aforesaid in some Newspaper published or circulated in the Town of *Leamington Priors* aforesaid, or by Letter sent by Post addressed to such Proprietor at his Residence, or left for him there; and the respective Proprietors shall pay their entire Proportion of the several Sums of Money which shall be so called for into the Hands of the Treasurer of the said Company for the Time being, at such Times and Places as shall from Time to Time be appointed in such Advertisements, Notices, or Letters.

Enforcing Payment of Subscription.

XVI. And be it further enacted, That in case any Person shall neglect or refuse to pay any such Money, or any Call or Calls, Sum or Sums of Money, at such Time or Times and in such Manner as shall be ordered and directed by the said Company 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 Her Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the appointed Time of Payment, and full Costs of Suit, from such Person.

Shares to be forfeited on Nonpayment of Calls and Interest.

XVII. And be it further enacted, That if any Subscriber to or Proprietor of any Shares in the said Undertaking, his Executors, Administrators, Successors, or Assigns, shall refuse or neglect to pay his Proportion of the Money so called for as aforesaid for the Space of One Calendar Month next after the Time appointed for Payment thereof, with lawful Interest as aforesaid, then and in every such Case every such Person so refusing or neglecting shall (whether the same shall have been sued for or not) absolutely forfeit all his Shares in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced on account thereof, unless otherwise determined by a Special General Meeting; and all Shares which shall be so forfeited shall be vested in the said Company, and be sold at a public Sale to the highest Bidder, and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided always, that no Advantage shall be taken of any such Forfeiture until after Fourteen Days Notice in Writing shall have been given by the Clerk of the said Company to the Proprietor thereof,

thereof or left at his last or usual Place of Abode, if he or they reside within the Limits of this Act, and if not, then by Letter sent by Post, nor unless the same Shares shall be declared forfeited at some General Meeting or Special General Meeting of the Company held not sooner than One Calendar Month next after the Day on which Notice of such Forfeiture shall have been given as aforesaid; and every such Forfeiture, when so declared, shall be an absolute Indemnification and Discharge to the Proprietor who shall have incurred such Forfeiture, and his Executors, Administrators, and Assigns, against all Actions, Suits, and Proceedings whatsoever at Law or in Equity, for any Breach of Contract between such Proprietor so forfeiting and the said Company, for or on account of not paying such Call or Calls, or in regard to the future prosecuting of the said Undertaking; and every Share so sold shall be transferred to the Purchaser thereof by the said Company, according to the Form of the Transfer herein-after contained, under the Common Seal of the said Company, and the same shall be registered in the Books of the Company in manner herein-after directed in respect of Transfers.

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

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

Books of Entries of Shares and of Proprietors Names, to be kept by the Clerk.

XIX. And be it further enacted, That the Books of the aforesaid Asssociation in which the Names and Designations of the several Holders of the aforesaid Nine hundred and twenty Shares in the said Undertaking so paid up as aforesaid, and for which Certificates have been issued before the passing of this Act by the aforesaid Association, shall be kept by the Clerk to the Company hereby incorporated; and the said Company shall and they are hereby required to cause the Names and Designations of the several Persons who shall hereafter become Subscribers under this Act for further and new Shares in the said Undertaking, with the Number of Shares possessed by each of such Subscribers, and also the proper Number by which every new Share shall be distinguished, to be distinctly entered in a Book to be also kept by such Clerk; and a Certificate under the Common Seal of the said Company shall be made out in respect of each new Share in

Regulations respecting old and new Certifi-

cates of Shares.

in the said Undertaking, specifying therein the Name and Designation of the Subscribers or Proprietors of such Share, and the proper Number by which such Share shall be distinguished; and every such Certificate shall be delivered to the Proprietor, his Executors, Administrators, or Assigns, upon Demand; and the aforesaid Certificate so issued before the passing of this Act, and entered in such Books as aforesaid, and such Certificates so to be delivered in pursuance of this Act as aforesaid, shall be admitted in all Courts and Proceedings whatsoever as Evidence of the Title of every Proprietor, his Executors, Administrators, or Assigns, to the Shares therein specified respectively in the said Undertaking, and to the Profits and Advantages accruing in respect thereof, but the Want of such Certificate shall not hinder or prevent any Proprietor of any of the said Shares from selling or disposing thereof; and in case any such Certificate shall not be produced or forthcoming, the Entry as aforesaid in any such Book as aforesaid, or a true Copy thereof, certified by the Clerk of the said Company, shall be deemed *prima facie* Evidence of Title; and for each Certificate which shall be delivered in pursuance of this Act the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and which said Certificates to be delivered as aforesaid after the passing of this Act may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

'The *Leamington Priors* Gas Light and Coke Company.
'Number
'THESE are to certify, That of
'is the Proprietor of the Share Number
'of the Capital or Joint Stock of the *Leamington Priors* Gas Light
'and Coke Company, subject to the Rules, Regulations, and Orders
'of the said Company, and that the said
'his [*or* her] Executors, Administrators, and Assigns, is [*or* are]
'entitled to such Proportion of the Profits and Advantages arising or
'to arise to the said Company as shall belong to such Share. Given
'under the Common Seal of the said Company the
'Day of in the Year of our Lord .'

Shares may be sold and transferred.

XX. And be it further enacted, That it shall be lawful for the several and respective Proprietors of any Shares, in the said Undertaking, or for their Executors, Administrators, and Assigns (as the Case may be), to sell and transfer any such Shares, but not less than Five Shares, nor any Number that will leave the Vendor a less Number of Shares than Five; and every such Transfer shall be in Writing duly stamped, on which the Consideration shall be truly set forth, and may be in the Form or to the Effect following; (that is to say,)

Form of Transfer.

'I [*or* We] of in consideration of
'paid to me [*or* us] by of do hereby
'bargain, sell, and transfer to the said my [*or* our]
'Share [*or* Shares] Number [*or* Numbers] in the said Capital
'or Joint Stock Property and Effects of the *Leamington* Gas Light
'and Coke Company, to hold to the said his
'[*or* her] Executors, Administrators, and Assigns, subject to the
'same Rules, Regulations, and Orders, and on the same Conditions
'that

'that I [*or* we] held the same immediately before the Execution 'hereof; and I [*or* we] the said do hereby agree 'to take and accept the said Share [*or* Shares], subject to the 'same Rules, Regulations, Orders, and Conditions. As witness our 'Hands and Seals this Day of in the 'Year of our Lord .'

Transfers to be registered.

And every such Transfer shall be produced and notified to the Clerk of the said Company, and a true Copy thereof shall be entered by him in the Books of the said Company, for which Entry the Sum of Two Shillings and Sixpence, and no more, in respect of each Share, shall be paid to the Clerk by the Person requiring such Transfer; and a Copy of the Registry of the Transfer of any Share entered before the passing of this Act in the Books of the aforesaid Association (and which Books shall be kept by the Clerk to the Company hereby incorporated), signed by the Clerk, and a Copy of the Registry of the Transfer of any Share which shall be registered as aforesaid after the passing of this Act, signed by the Clerk, shall be sufficient Evidence of every such Sale and Transfer, and received as such in all Disputes and in all Trials before any Court of Judicature; and no Purchaser of any Shares in the said Undertaking, or his Executors, Administrators, or Assigns, shall have any Part or Share in the Profits or Advantages of the said Undertaking, or receive any Interest or Dividends in respect of any Shares so purchased, nor be entitled to vote at any Meeting as Proprietor of the said Undertaking, in respect of any such Share, unless such Entry of such Transfer shall have been made as aforesaid, or such Transfer shall have been produced and notified to the Clerk of the said Company as aforesaid: Provided always, that no Person shall subscribe for or take any less Number of Shares in the said Undertaking than Five Shares, nor shall any Persons subscribe for or take any Number of Shares jointly.

For ascertaining Proprietorship of Shares in certain Cases.

XXI. And whereas by reason of Death, Insolvency, or Bankruptcy, or by the Absence from this Kingdom of Proprietors, or by Transfer of Rights and Interests to some other Person, without any Registry being made thereof with the Clerk of the said Company, it may not be in the Power of the said Company to know who are the Proprietors of such Shares; be it therefore enacted, That in all Cases where the Right and Property in Shares in the said Undertaking shall pass from the original Subscriber or any Proprietor thereof to any other Person by any other legal Means than by Transfer in manner herein-before specified, a Declaration in Writing shall be made by Two credible Persons before a Master or Master Extraordinary in Chancery, or any One Justice of the Peace, stating the Manner in which such Shares have passed to such other Persons, their Executors, Administrators, or Assigns; and such Declaration shall be delivered to the Clerk of the said Company, to the Intent that he may enter the Names of every such Proprietor in the Books of the said Company; and in all or any of the said Cases the Persons who for the Time being shall appear by the Books aforesaid of the said Company to be the Owner of any Shares in the said Undertaking shall, for all the Purposes of Notice and Liabilities, be

be deemed the Proprietors thereof, and all the Parties interested under the Powers of this Act shall be bound and concluded by the Entry, and the said Company shall be fully and effectually indemnified in paying the Dividends, Interest, or Income arising from or in respect of such Shares to the Persons whose Names for the Time being shall respectively appear in the said Register.

Proofs required when Rights accrue by Marriage or Death.

XXII. And be it further enacted, That when any Person or Persons shall claim any Shares in the Joint Stock of the said Company, or the Profits thereof, in right of Marriage, a Declaration in Writing containing a Copy of the Register of such Marriage shall be made by some credible Person before a Master or Master Extraordinary in Chancery, or One Justice of the Peace, and shall be delivered to the Clerk to the said Company, who shall preserve the same, and make an Entry thereof in the Books of the said Company; and the said Clerk shall be paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, for each Share, before such Person shall be entitled to sell and assign such Shares, or to claim Payment of any Dividend in respect thereof; and when any Person or Persons shall claim any Shares 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 shall be produced to the said Clerk, who shall make an Entry thereof in the Books of the Company; and the said Clerk shall be paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, for each Share, before any Person or Persons shall be entitled to sell and assign such Shares, or to claim Payment of any Dividend in respect thereof: Provided nevertheless, that no Bequest or Clause in any such Will contained shall bind or affect the said Company with Notice of any Trust or Disposition of any Shares in the said Company or the Profits thereof, but the Registry of all such Shares shall be in the Name or Names of the Executor or Executors or Administrators of the deceased, whose Receipts to the said Company for the Profits thereof, and to every Purchaser for the Amount of the Purchase Money paid upon the Sale and Conveyance of such 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.

The Company not to be affected by any Trusts contained in a Will.

Powers to hold First and other General Meetings.

XXIII. And be it further enacted, That it shall be lawful for the said Company, or any Seven or more of the Subscribers or Proprietors of Shares in the said Undertaking (holding collectively not less than Forty Shares), to meet from Time to Time, when and where they shall find convenient, in the said Town of *Leamington Priors;* and the First General Meeting of the said Company shall be held in the Room at the Gas Works of the said Company in *Leamington Priors* aforesaid on the Third *Monday* after the Day of the passing of this Act, or as soon after as conveniently may be; and the said Company so assembled at such First General Meeting, or at any subsequent General Meeting, shall have full Power to adjourn any such General Meeting, and to order and appoint such future General Meetings of the said Company to be holden from Time to Time at such Place

or

or Places within the said Town as shall at such General Meeting be thought proper and convenient; and Two General Meetings at the least shall be held in every Year after the passing of this Act on the Days following; namely, the First *Monday* in *August* and the First *Monday* in *February* in each Year, or within Twenty-one Days then next after, or on such other Day as shall be ordered and appointed pursuant to the Provisions of this Act; and all such Meetings shall be assembled before the Hour of Three of the Clock in the Afternoon, and not earlier than Ten of the Clock in the Forenoon, unless some other Hour shall be appointed under the Powers and Provisions of this Act: Provided always, that Notice of the Day and Hour for holding all such General Meetings by Adjournment shall be given by the Clerk of the said Company by Advertisement to be inserted in some Newspaper published or circulated in the said Town of *Leamington Priors* Seven Days at least before the intended Day of Meeting, or by Letter addressed to the several Members of the said Company at their usual Residence respectively, and put into the Post Office at *Leamington Priors* aforesaid, or left for them at their usual Residences, Seven Days at the least before the intended Day of Meeting; and at such First and other General Meetings the said Company shall and may proceed to carry this Act into execution; and in case, on any Day on which such General Meeting shall be appointed or ought to be held in pursuance of this Act, a sufficient Number of Proprietors holding a sufficient Number of Shares to constitute a General Meeting shall not be assembled within One Hour after the Time appointed for such Meeting to be held, or in case at any such General Meeting no Adjournment shall be made, then every such Meeting shall be deemed to be and is hereby declared to be adjourned to that Day Sevennight, and so on from Time to Time weekly until a sufficient Number duly qualified to constitute a Meeting shall be assembled.

Power for calling and holding Special General Meetings.

XXIV. And be it further enacted, That in case at any Time after any Adjournment of any General Meeting any Five or more of the Proprietors, being collectively possessed of or entitled to Forty or more Shares in the said Undertaking, shall think proper that a Special General Meeting of the said Company shall be holden at an earlier Day than the Day to which any such General Meeting shall stand adjourned, then it shall be lawful for them, by Writing under their Hands left at the Office of the said Company, or given to the Clerk of the said Company, to require the Clerk to call a Special General Meeting to be held on such Day as shall be specified in such Requisition; and such Requisition shall fully express the Objects for which such General Meeting is required to be called; and thereupon such Clerk shall give Notice thereof accordingly in some Newspaper published or circulated in the said Town of *Leamington Priors*; and in case the Clerk shall refuse to call such Meeting, or neglect to publish such Notice, for the Space of Seven Days after such Requisition given as aforesaid, then it shall be lawful for such Proprietors, or any other Proprietors duly qualified as aforesaid, to call such Special General Meeting by Publication of such Notice in some such Newspaper as aforesaid; and such

Meeting shall be held at such Time and Place within the said Town of *Leamington Priors* as they shall think fit; or it shall be lawful for any Five or more of the Committee of Directors for the Time being, if they shall think it necessary, without any such Requisition from the Proprietors, at any Time or Times to call any such Special General Meeting by Notice to be published in some such Newspaper as aforesaid: Provided always, that, whether such Special General Meeting shall be called by the said Clerk or by the said Proprietors, Fourteen Days Notice of the Intention to hold such Special General Meeting shall be given by the Person or Persons calling the same by Advertisement in some such Newspaper as aforesaid; and such Notice shall specify the Object or Purpose for which such Special General Meeting shall be so convened, and the Time when and the Place where the same shall be held, and the said Company are hereby authorized to meet in pursuance of such Notice; and at such Special General Meeting it shall be lawful for the said Company, or any Ten or more Proprietors of Shares in the said Undertaking then and there given assembled, to proceed in the Execution of the Powers by this Act to the said Company with respect to the Matters specified in such Notice only; and such Proprietors assembled at any such Special General Meeting collectively possessed of or entitled to Forty Shares as aforesaid shall have the same Powers, and the Acts of them or the Majority of them shall be as valid and effectual, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time by this Act appointed for holding a General Meeting of the said Company; and any such Special General Meeting may be adjourned from Time to Time, if such Meeting shall find it necessary or convenient; or in case a competent Meeting shall not be assembled in due Time according to the Provisions herein-before contained respecting the assembling of General Meetings of the said Company, then such Special General Meeting shall in like Manner stand adjourned to the same Day Sevennight, at the same Place, from Time to Time, until a competent Meeting shall be assembled; provided that no other Business shall be transacted at any such Special General Meeting, or at any adjourned Special General Meeting, except the Business specified in the Notice for calling such Special General Meeting as aforesaid, or such Part thereof as shall have been left undecided.

Mode of proceeding, voting, &c. at Meetings.

XXV. And be it further enacted, That at all General Meetings and Special General Meetings of the said Company to be held under the Authority of this Act One of the Proprietors then present shall be elected to preside as Chairman; and all Questions shall be decided by the Majority of Votes; and in case the Number of Votes (to be reckoned as herein-after mentioned) on any Question, including the Vote of the Chairman, shall at any Time be equal, the Chairman shall have and give the casting Vote; and the several Proprietors shall be entitled to vote according to their respective Number of Shares; that is to say, each Proprietor who shall be the Holder of Five Shares shall be entitled to One Vote; each Proprietor who shall be the Holder of Ten Shares to Three Votes; each Proprietor who shall be the Holder of Twenty Shares

to Five Votes; and each Proprietor who shall be the Holder of Thirty Shares in the Capital of the said Company to Eight Votes; and that no Proprietor shall be entitled to more than Eight Votes as Principal and in his own Right; but no Proprietor shall vote at any such Meeting upon any Question in which such Proprietor shall be interested in any other way than as being such Proprietor.

Lunatics an Minors to vote by their Committees or Guardians.

XXVI. And be it further enacted, That in case any of the Proprietors entitled to vote as aforesaid shall be Lunatics or Minors, every such Lunatic may vote by any one of his, her, or their Committee, and every such Minor by his or any one of his Guardians.

Empowering Proprietors of Shares to vote by Proxy.

XXVII. And be it further enacted, That the several and respective Proprietors of Shares in the said Undertaking entitled to vote in respect of such Shares at any General or Special General Meeting of the said Company shall have full Power and Authority to vote at such General Meetings either in Person or by Proxy (every such Proxy being a Proprietor of Shares in the said Undertaking, and entitled to vote in respect of his own Shares) duly constituted under the Hand of the absent Proprietor, his Committee or Guardians, or, in case of Bodies Politic or Corporate, under their Common Seal; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say,)

Form of Proxy.

'I of , one of the Proprietors
'of Shares in the *Leamington Priors* Gas Light and Coke
'Company, do hereby nominate, constitute, and appoint
'of to be my Proxy, in my Name and in my Stead to
'vote or give my Assent to or Dissent from any Business, Matter, or
'Thing relating to the said Undertaking that shall be mentioned or
'proposed at any General Meeting or Special General Meeting or
'Meetings of the said Company, or any Adjournment thereof, if I
'shall not be present, in such Manner as the said
'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 .'

Notice of Meetings how to be given.

XXVIII. And be it further enacted, That all Notices requisite or necessary to be given for the Purposes of this Act, the Publication or Service of which is not by this Act specially provided for, shall be given by Advertisement to be inserted in some Newspaper published or circulated in the said Town of *Leamington Priors*, or by Letters from the Clerk sent by the Post addressed to the several Proprietors of Shares in the said Undertaking at their last or usual Place of Residence, or left at such last or usual Place of Residence, or so sent addressed to, or left at the last or usual Place of Residence of the individual Proprietor entitled to such Notice (as the Case may be); and any Notice or Notices so given shall be deemed and considered the same as personal Notice.

Appointment of Directors.

XXIX. And be it further enacted, That *D'Arcy Boulton*, *Edmund Byron*, *George Henry Deane* Clerk, *John Grafton*, *John Hardman* the elder, *Henry Jephson* M.D., *Richard Jones*, *William Lionel Lampet*, *John Russell* of *Wise Street*, and *Samuel Edward Steward*, and their

their Successors to be appointed as herein-after mentioned, shall be and they are hereby constituted and appointed the Committee of Directors for managing the Affairs and Business of the said Company.

Present Committee of Directors to continue until February 1839.

XXX. And be it further enacted, That the several Members of the said Committee of Directors herein-before named shall continue in Office and be respectively Members of the said Committee until the First *Monday* in *February* One thousand eight hundred and thirty-nine, and until others shall be appointed in their Stead in pursuance of this Act.

Election of future Directors.

XXXI. And be it further enacted, That at the General Annual Meeting to be held on the First *Monday* in the Month of *February* One thousand eight hundred and thirty-nine, or within Twenty-one Days next after, or at some Adjournment thereof, and at the Annual General Meeting which shall be held on the Second *Thursday* in the Month of *February* in every subsequent succeeding Third Year, or within Twenty-one Days next after, or at some Adjournment thereof, Ten of the Proprietors of Shares in the said Undertaking, being respectively Proprietors of at least Twenty Shares in the said Undertaking, shall be elected to be a Committee of Directors in the Place of the former Committee; nevertheless any Member or Members of the former Committee whose Office shall then have expired shall (if otherwise eligible) be again immediately re-eligible.

Qualification of Directors.

XXXII. Provided always, and be it further enacted, That in case any Person being a Member of the said Committee of Directors shall hold or accept any Place or Office of Profit under the said Company, or shall either directly or indirectly take any Contract, or shall participate in any Manner in any pecuniary Advantage to be derived from the said Company, further than as a Proprietor, or shall cease to hold Twenty Shares in the said Undertaking, then upon any such Vacancy, or on the Death of any Member of the said Committee, it shall be lawful for the said Company, at any General Meeting or Special General Meeting to be held pursuant to the Directions of this Act, to elect and appoint some other Proprietor, duly qualified, to supply every such Vacancy; and every such Proprietor so elected shall continue in Office as one of such Committee so long as the Person in whose Place or Stead he was elected would have been entitled to have continued in Office if such Disqualification or Death had not happened.

Meetings of Directors.

XXXIII. And be it further enacted, That the Committee of Directors, or any Four or more of them, shall hold their Meetings at such Time and Place within the said Town of *Leamington Priors* as they shall from Time to Time think proper and appoint, and shall choose from among themselves a Chairman and Deputy Chairman of the Meetings of the said Committee; and if it shall so happen that at any Meeting of the said Committee neither the Chairman or Deputy Chairman so to be chosen as aforesaid shall attend, one of the Members of the said Committee then present shall be elected to preside as Chairman for that Occasion; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Directors at any of their said Meetings shall be decided

decided and determined by a Majority in Number of Members present (the Number of Members present being not less than Four); and in case of there being an equal Number of Votes upon any Question, including the Vote of the Person acting as Chairman for the Time being, such Chairman shall have the deciding and casting Vote; and if on the Day appointed for any Meeting of the said Committee Four Members thereof shall not attend, then and in every such Case the Meeting shall be adjourned till such Time and to such Place as the Member or Members then present, or if none be present, then as the Clerk of the said Company, or such other Person as shall attend in his Place, shall appoint; and any Two or more Members of the Committee of Directors may, at any Time when they shall think fit, call a Meeting of the Committee of Directors by Notice in Writing, signed by such Two or more Members, to be sent by the Post or otherwise to the Residence or Address of every Member of such Committee, and also may renew the Meetings of the Committee, although they may have been discontinued for Want of Adjournment, or may institute a new Meeting independently of any Meeting appointed by Adjournment.

Chairman to have a casting Vote.

Two Members of the Committee of Directors may call a Meeting.

XXXIV. And be it further enacted, That the Committee of Directors for the Time being shallhave the Custody of the Common Seal of the said Company, and shall have full Power and Authority to use the same (subject nevertheless to any Order which may be made at any General or Special General Meeting of the said Company respecting the Custody or Use thereof), and to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places in the said Town of *Leamington Priors* of holding such General Meetings and Special General Meetings; to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out, or disposed of for the Purposes of the said Company, as in contracting for and purchasing Lands, Tenements, or Hereditaments, Materials, Goods, and Chattels for the Use of the said Undertaking, and to enter into Agreements or Contracts for lighting with Gas the said Town of *Leamington Priors* and the Neighbourhood thereof in manner as before mentioned; and in nominating, electing, appointing, placing, or displacing any Engineer, Accountant, Assistant, Collector, Agent, Tradesman, Workman, Servant, or other Officer of the said Company, (not being a Treasurer or Clerk of the said Company,) with such Salaries, Gratuities, or other Recompence as to the Committee of Directors shall seem proper; and in ordering, directing, and employing the said Works and Workmen, and in selling and disposing of all Articles produced as aforesaid in the manufacturing of Gas; and in making, enforcing, and rescinding, compounding and compromising all Contracts and Bargains touching or in anywise concerning the said Undertaking, subject to any special Regulations or Resolutions of the said Company in Restraint, Control, or Regulation of the Powers and Authorities by this Act granted, and to all which Regulations and Resolutions, not being contrary to any express Provisions or Directions in this Act, the said Committee of Directors

Powers of Directors.

shall pay due Obedience; and the said Committee of Directors may require and take such Security from any Officer or Officers (not being a Treasurer or Clerk of the said Company) or other Person, for the faithful Execution of their respective Offices, as they may think proper.

Members of the Committee not to be personally liable.

XXXV. And be it further enacted, That no Member of the Committee of Directors for the Time being shall be personally answerable for the Performance of any Contract or Agreement into which he shall enter as one of such Committee on behalf of the said Company, but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Committee of Directors shall have full Power to resort to and proceed against the said Company, either at Law or in Equity, for the Performance of every such Contract or Agreement, or for Damages occasioned by any Breach or Nonperformance thereof.

Execution may be issued against any Holder of a Share.

XXXVI. And be it further enacted, That in case any Execution upon any Judgment or Decree in any Action, Suit, or other Proceeding obtained against the said Company, whether as Plaintiff or as Defendant or Respondent, shall be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, upon the Application of the Party or Parties who shall have obtained such Judgment or Decree against the said Company, to issue Execution against any Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the Capital or Joint Stock of the said Company: Provided always, that in case such last-mentioned Execution against such Proprietor or Proprietors shall also be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the said Court, upon Motion to be made in open Court on Notice to the Person or Persons sought to be charged, to issue Execution against any other Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the said Capital or Joint Stock of the said Company: Provided also, that the Sum which shall be recovered from the Proprietor of any such Share or Shares shall not in any Case exceed the Sum or Sums remaining unpaid upon the Share or Shares of which such Proprietor shall be possessed, and for the Payment of which Sum or Sums such Proprietor would have been liable if called for by the Committee of Directors of the said Company; provided also, that the Sum recovered from any such Proprietor shall be considered as so much Money advanced to and for the Use of the said Company; and it shall be lawful for the Committee of Directors of the said Company to make Calls in respect of any Share belonging to such Proprietor for such Sum of Money only as, together with the Sums already paid thereon and the Sum recovered from such Proprietor in respect thereof, shall amount to the Sum of Twenty Pounds for each such Share: Provided also, that for the Purpose of ascertaining the Proprietors of the said Shares it shall be lawful for any Judgment Creditor or Creditor by Decree at all reasonable Times to inspect the Book containing the List of Proprietors of Shares in the said

No larger Sum to be recovered than the Amount remaining unpaid upon any Share.

Capital or Joint Stock of the said Company without Fee or Reward.

General Meetings to appoint a Clerk and Treasurer.

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

Security to be taken from Treasurer.

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

XXXVIII. 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, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be 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, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, in any of Her 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 more than One Imparlance, shall be allowed.

Treasurer not to issue Money without an Order.

XXXIX. And be it further enacted, That no Sum of Money shall be issued by the Treasurer or other Officer or Officers to be appointed by

by the said Company, on account of the said Company, without an Order in Writing made at a General Meeting or Special General Meeting of the said Company, and signed by the Chairman of such Meeting, or without an Order in Writing signed by the Chairman of any Meeting of the Committee of Directors for the Time being, or by any Three or more Members of the said Committee; and the Receipts of such Treasurer for all Monies payable to the said Company shall be effectual Discharges for the same.

Books of former Company to be kept by the Clerk under this Act.

XL. And be it further enacted, That all and every the Books of Business and Accounts of the aforesaid Association, acting by the Name of "The *Leamington Priors* Gas Light and Coke Company," heretofore kept by them or by their Secretary, shall henceforth be kept by the Clerk of the Company hereby incorporated, in the Office of such Clerk, or by such other Officer of the said Company, or in such other Office of the said Company, as the said Company shall order and direct; and all Holders of Shares in the said Undertaking shall at all seasonable Times be allowed to inspect such Books, Papers, and Documents, without Fee or Reward.

Books to be kept by the Company.

XLI. And be it further enacted, That Books shall be provided and kept by the said Company for the Purpose of entering and registering the Proceedings of the said Company and of their Directors, and all Orders and Resolutions made at any of their Meetiugs respectively, and the Names and Designations of the Subscribers to the Undertaking, and of all Holders of Shares therein, and the Numbers of such Shares, and of all Transfers of such Shares, and all Mortgages of the Undertaking, or Securities for Money borrowed, and all Transfers thereof, and all other Proceedings, Matters, and things to be done in pursuance of the Directions of this Act; and such Books shall (subject to the Orders of the Company and their Directors) be kept by the Clerk to the said Company; and such Books, and the Entries therein entered or signed pursuant to the Directions of this Act, shall be admitted in Evidence by and before all Judges, Justices, and others, and in all Courts and Places whatsoever; and any Person interested shall at all seasonable Times be allowed to inspect such Books without Fee or Reward.

Accounts to be kept of Receipt, and Disbursements.

XLII. And be it further enacted, That the said Company shall and they are hereby required from Time to Time to order and direct Books to be kept in which shall be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on Account of the Purposes of this act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and all such Books shall at all reasonable Times be open to the Inspection of the Proprietors of Shares in the said Undertaking, and all Persons and Bodies respectively possessing or entitled to any Security affecting or charged upon the Estate and Effects, Rents and Profits of the said Company by virtue of this Act, who may take Copies thereof or Extracts therefrom, without Fee or Reward.

XLIII. And

Officers to render Accounts when required.

XLIII. And be it further enacted, That all Officers appointed by the aforesaid Association, or by their Committee of Directors, and all Officers who shall be appointed by the said Company, or by their Committee of Directors, shall from Time to Time, when thereunto required by the said Company or by their Committee of Directors, deliver to the said Company, or to such Committee of Directors, or to such Person or Persons as the said Company or such Committee of Directors shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received by virtue of their Office, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their respective Hands to the said Company, or to the said Committee of Directors, or to such Person or Persons as the said Company or the said Committee of Directors shall appoint to receive the same; and if any such Officer shall refuse or neglect to deliver up or produce such Accounts, and the Vouchers relating to the same, in his Possession or Power, in manner aforesaid, or shall refuse or neglect to pay the Money received on such Accounts, or the Balance of such Monies, or if any such Officer shall refuse or neglect to deliver up to the said Company, or such Committee of Directors, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required, all the Books, Papers, or Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Justice of the Peace for the County of *Warwick*, upon Complaint made before him by or on behalf of the said Company or Committee of Directors, and such Justice is hereby required, to summon such Officer to appear before him, and upon his appearing, or upon satisfactory Evidence that such Officer cannot be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon Confession of the Officer against whom any such Complaint shall be made, or by the Oath or Affirmation (as the Case may require) of any Witness or Witnesses, which Oath or Affirmation such Justice is hereby empowered and required to administer and take without Fee or Reward, or upon Inspection of the said Accounts, if produced, it shall appear to such Justice that any of the Money which shall have been collected or received shall be in the Hands of such Officer, such Justice may and is hereby authorized and required, on Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining for and selling the same, or if such Officer shall not appear before the said Justice at the Time and Place appointed for that Purpose, unless for some sufficient Reason, or, if appearing, shall refuse or neglect to give and deliver to such Justice an Account of all Receipts and Payments as aforesaid, or to produce and deliver up to such Justice the several Vouchers and Receipts, Books, Accounts, Papers, and Writings in his Custody or Power belonging to the aforesaid Associa-

tion, or to the said Company, or any of them, then and in any or either of the Cases aforesaid such Justice may and he is hereby authorized, by a Warrant under his Hand and Seal, to commit such Officer to the Common Gaol or House of Correction for the County of *Warwick*, there to remain without Bail or Mainprize, in case he shall be committed for Nonpayment of any Money received by him or in his Hands, until he shall have accounted for to the Satisfaction of such Justice, and paid the full Amount thereof, or compounded with the said Committee of Directors, and paid such Composition in such Manner as the said Committee of Directors shall appoint (which Composition the Committee of Directors are hereby empowered to make), or, in case he shall be committed for not delivering any such Accounts, Books, Papers, or Writings as aforesaid, until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Company or Committee of Directors; provided that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Three Calendar Months.

Nothing herein to prejudice Remedies against Sureties of Officers.

XLIV. And be it further enacted, That nothing herein contained, or any thing to be done by virtue hereof, shall extend to deprive the said Company of any Action or Suit against every Surety of any Officer or Person whomsoever to be appointed in execution of this Act for the Payment of any Monies remaining due to the said Company, or for the Nonperformance of any Covenant or Agreement entered into by such Officer or Person to be appointed as aforesaid, or his Surety or Sureties, touching any thing to be done under or in pursuance of this Act.

Dividends to be declared at the Annual General Meeting.

XLV. And be it further enacted, That it shall be lawful for the said Company, at any General or Special General Meeting, or some Adjournment thereof, from Time to Time to call for and examine all or any of the Accounts of the said Company; and at every half-yearly General Meeting which shall be held on the First *Monday* in the Month of *February* and First *Monday* in *August*, or within Twenty-one Days next after, or some Adjournment thereof, a Dividend 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 such a Sum *per Centum* upon or for the respective Shares in the said Undertaking as such Meeting or Meetings shall think fit to order and determine; and the same shall be paid to the respective Proprietors by the Treasurer of the said Company; but no Dividend shall be made whereby the Capital of the said Company shall be reduced, nor shall any Dividend be paid in respect of any Shares until all Calls for Money then made in respect thereof by virtue of this Act shall have been paid.

Pipes, &c. of the Association vested in the Company.

XLVI. And be it further enacted, That all and every the Buildings, Lands, Tenements, and Hereditaments heretofore purchased or erected by the said Association, and all and every the Main Pipes and other Pipes and Works which have been purchased or provided,

and

and laid down or placed in the several Streets, Roads, Ways, Lanes, and other public Passages and Places within the Limits of this Act, by the aforesaid Association, and belonging to them at the Time of the passing of this Act, and all Retorts, Purifiers, Gasometers, Receivers, Cisterns, Engines, Machines, Pipes, Posts, Lamp Irons, Lamps, Erections, Buildings, Matters, and Things, the Property of or belonging to the aforesaid Association at the Time of the passing of this Act, shall be and the same and each and every of them are hereby vested in the Company incorporated by virtue of this Act, subject to any existing Charges thereon.

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

XLVII. And be it further enacted, That it shall be lawful for the said Company and they are hereby fully authorized and empowered from Time to Time, in a careful and Workmanlike Manner, and doing as little Damage as may be, to break up the Pitchings and Pavements of the Footways or Carriageways of any Roads, Streets, Ways, Lanes, Bridges, and other public Passages and Places, or any of them, or any Part thereof, within the Limits of this Act; and also to break up the Soil of any private Grounds, Ways, Passages, and other Places, or any Part thereof, within the Limits aforesaid; and also to dig, sink, and make or construct any Culverts, Tunnels, Trenches, Soughs, or Drains, and to lay, put, or place any Main Pipes, Branch Pipes, and other Pipes, with all necessary Drain-boxes, Syphons, Plugs, Stopcocks, and other Apparatus, from their Gasometers or other Works, in, under, across, and along such public and private Places as aforesaid, or within or through any such Culverts, Tunnels, Trenches, Soughs, or Drains, and on, along, or over, aside, or under any Bridge or Bridges aforesaid, in such Manner as shall be necessary for the Purpose of supplying any Gas Lights, and carrying this Act into execution; and to erect, put, and place any Posts, Pillars, Pilasters, Lamp Irons, Lamps, and other Apparatus in the same Roads, Streets, Ways, Lanes, Bridges, and other public Passages and Places, or any of them, and against any Wall or Walls erected on or adjoining to them or any of them, and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, Drain-boxes, Syphons, and Plugs, or Branches; and also to carry, place, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Branch Pipes laid in any Road, Street, Way, Lane, Bridge, Passage, or other Place, public or private, into, through, or against any Dwelling House or Houses, Manufactories, public or private Buildings or Grounds, for the Purpose of lighting the same, or any public or private Lamp, from any of such Mains or other Pipes; and to erect and set up any Machine or Apparatus requisite or necessary for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged, in such Dwelling House or Houses, Manufactories, public or private Buildings; and to do all such other Acts, Matters, and Things as the said Company shall from Time to Time think necessary for completing, amending, repairing, improving, supplying, and using the same, and necessary and convenient for the Purposes of carrying this

this Act into execution, doing as little Damage thereby as may be, and reasonable Compensation being made for any Damage occasioned thereby: Provided always, that no Gas Pipes shall be laid down in any of the Streets or Places aforesaid at a less Depth than Eighteen Inches at least from the Surface of the Street to the upper Part of the Pipe, except in passing over Bridges or Vaults: Provided also, that it shall not be lawful for the said Company, or any of their Agents or Persons by them employed, to break up the Pavement or Soil of the Footways or Carriage Roads of any public Streets, Ways, Lanes, or other public Passages or Places in the said Town or Parish of *Leamington Priors*, or the Highways of the several other Parishes in which such Soil or Pavement shall be situate for any of the Purposes aforesaid (except in Cases of sudden Escape of Gas or other emergent Causes), without the Consent of the Commissioners for the Time being in whom the same are or shall be vested, or their Surveyor, first had and obtained, or to break up the Pavement or Soil of any private Land without the Consent of the Owner and Occupier thereof in Writing first had and obtained.

Pipes, &c. not to be carried through private Property without Consent.

XLVIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company to carry or lay or continue any Main or Mains, Pipe or Pipes, into or through or against any private Lands or Grounds, or into or through or against any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, for the Purpose of lighting any of the Streets or Places, or any other Dwelling House or Houses, Manufactory, public or private Building, or to continue the same, without the Consent in Writing of the Owner and Occupier of every such Land or Ground, Dwelling House or Houses, Manufactories, public or private Buildings into or through which any such Main or Mains, Pipe or Pipes, may be carried or laid for the Purposes aforesaid.

Position of Pipes in private Grounds may be altered.

XLIX. Provided also, and be it further enacted, That in case the said Company shall at any Time place or lay any Mains or Pipes along, under, or across any private Ground, Road, Way, or Passage for the Conveyance of Gas, with the Consent of the Owner and Occupier thereof for the Time being, and such Owner and Occupier respectively shall at any Time thereafter deem it necessary or expedient to alter or vary the Position of any such Mains or Pipes, the said Company shall, at the Expence, Costs, and Charges of such Owner and Occupier respectively, within One Calendar Month next after being required so to do, by Notice in Writing to them given by such Owner or Occupier, alter and vary the Position of such Mains or Pipes, and relay the same according to such Notice, in such Manner and in such Place or Places as the Owner or Occupier shall think right or proper; and in default thereof it shall be lawful for the Owner and Occupier, or their Agents, Servants, or Workmen (at the like Costs and Charges), to cause the Position of such Main or Mains, Pipe or Pipes to be altered, varied, and relaid as aforesaid.

Company to remove Branch

L. Provided also, and be it further enacted, That in Case any Pipe, Cock, or Branch shall be fixed, carried, or laid from any Main or

Pipes, &c. on private Property upon Notice.

Pipe of the said Company into, through, or against any Dwelling House or other Buildings, for the Purpose of lighting the same, or any other Dwelling House or other Buildings, in pursuance of this Act, and the Owner or Occupier of any such Dwelling House or Houses or other Buildings into or through or against which such Pipe, Cock, or Branch shall be fixed, carried, or laid shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such Desire shall give Notice in Writing to the said Company, then and in every such Case the said Company shall, at the Costs and Charges of the Party requiring the same, within Ten Days after Receipt of such Notice alter or remove and take away all or any such Pipes, Cocks, or 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 be lawful for every such Owner or Occupier, or other Person acting under his Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require.

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

LI. Provided always, and be it further enacted, That in all Cases where it shall not have been otherwise stipulated by Agreement in Writing between the said Company and any such Occupier as after mentioned the said Company shall at their own Expence, on the Expiration or Determination of the Tenancy of any Occupier whose Dwelling House, Manufactory, or public or private Buildings shall be supplied with Gas in pursuance of this Act, or of any Occupier who shall have given such Consent as aforesaid after the Expiration or Determination of such Tenancy, upon receiving Two Days Notice in Writing for that Purpose from the Owner or succeeding Occupier of any such Dwelling House or Houses, Manufactories, or public or private Buildings as aforesaid, and within Ten Days after such Notice, remove, take, and carry away Pipes, Cocks, or Branches from any Main or other Pipes which shall have been introduced or laid by the said Company through, into, or against every such Dwelling House or Manufactory, or public or private Buildings as aforesaid, pursuant to the Powers of this Act, and shall repair and make good every such Dwelling House, Manufactory, or public or private Buildings where the same shall have been so introduced or have been placed, any thing herein contained to the contrary thereof in anywise notwithstanding; and in default thereof it shall be lawful for such Owner, or the new or succeeding Occupier, as the Case may be, or any other Person acting under his respective Authority, to cause such Pipes, Cocks, and Branches to be removed, taken, and carried away (without being thereby subjected to any Penalty or Costs for thereby unavoidably damaging the Works of the said Company), and the Dwelling House or Houses, Manufactories, or public or private Buildings where the same shall have been introduced or placed to be repaired, and the reasonable Costs and Charges of the same, shall be immediately paid by the said Company, or their Treasurer, to such Owner or Occupier, as the Case may be; and if such reasonable Costs and Charges be not paid within Twenty Days next after Demand shall be made by such Owner or Occupier (Proof of such Demand being made by the Oath or Affirmation,

as the Case may be, of a credible Witness before a Justice of the Peace for the County of *Warwick*), all such reasonable Costs and Charges shall and may be levied and recovered by every such Owner or Occupier by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of the Distress and Sale, by Warrant under the Hand and Seal of such Justice as aforesaid, which Warrant such Justice is hereby empowered to grant.

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

LII. Provided always, and be it further enacted, That in all Cases in which it shall be lawful for the said Company to cut off and take away the Supply of Gas from any House or Houses, Shops, Inns, Taverns, or other Buildings, Manufactories, Grounds, or Premises, under the Provisions of this Act, it shall also be lawful for the said Company, their Agents and Workmen, to enter into or upon any such House or Houses, Shops, Inns, Taverns, or other Buildings, Manufactories, Grounds, or Premises, in the Day-time, for the Purpose of removing, taking, and carrying away, and to remove, take, and carry away, any Pipe, Meter, Cock, Branch, or Apparatus the Property of and belonging to the said Company, and also for the Purposes of repairing and making good any such House or Houses, Shops, Inns, Taverns, Buildings, Manufactories, and Premises where such Pipe or Apparatus shall have been so introduced.

Company to reinstate Pavement, &c.

LIII. And be it further enacted, That when and so often as the Stones, Pavement, Ground, or Soil in or of any Street, Highway, Road, Lane, Passage, or Place, or any Part thereof, shall have been broken up or removed under the Provisions of this Act, the said Company shall and they are hereby required, as soon as may be thereafter, at their own Costs and Charges, to fill in and effectually make good all Trenches and Drains, and to relay, reinstate, and make good such Stones, Pavement, Ground, or Soil in good Repair, Order, and Condition, and of a level Surface, to the Satisfaction of the Surveyors of the Highways, or Commissioners or other Persons having the Control, Direction, or Superintendence of such Stones, Pavements, Ground, or Soil, Streets, Highways, Roads, Lanes, Passages, or Places respectively, as well when the same shall have been broken up or removed for the Purpose of first laying down as for the Purpose of repairing, relaying, and amending any Main Pipes or other Pipes, Cocks, or Plugs, or for any other Purpose authorized by this Act; and the said Company shall at all Times and on all Occasions, at their own Costs and Charges, remove and carry away all surplus Earth, Filth, and Rubbish occasioned thereby; and during the Time that the Works hereby authorized are carrying on, and until such Stones Pavements, Ground, or Soil shall be relaid, reinstated, or made good as aforesaid, the said Company shall provide and place necessary Lights at Night, and shall guard and fence off the said Works, so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Company shall make default in filling in and making good such Drains and Trenches, or in relaying and from Time to Time within the Period aforesaid reinstating and making good such Stones, Pavements, Ground, or Soil, or in putting and for the Space herein-before mentioned keeping the said

Stones, Pavements, Ground, or Soil, and the said Parts of the said Streets, Highways, Roads, Lanes, Passages or Places, in such good Repair, Order, and Condition and of such level Surface as aforesaid, or in removing and carrying away all such surplus Earth, Filth, and Rubbish as aforesaid, or in providing and placing such Lights at Night, or in guarding and fencing off the said Works, so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case the said Company shall forfeit and pay for every such Offence the Sum of Five Pounds, one Half of which Penalty shall be paid to the Informer, and the other Half to the Person or Persons having the Control, Direction, or Superintendence of such Highway, Streets, or Roads where any such Default shall happen; and it shall be lawful for the Person or Persons having such Controul, Direction, or Superintendence as aforesaid to fill in and make such Drains and Trenches, and to relay and from Time to Time to reinstate and make such Stones, Pavements, Ground, or Soil, and to put and for the Space aforesaid to keep the same, and also the said Parts of the said Streets, Highways, Roads, Lanes, Passages, or Places which shall have been so broken up or removed as aforesaid, in such good Repair, Order, and Condition and of such level Surface as herein-before is mentioned, and to remove and carry away all surplus Earth, Filth, and Rubbish, and during the Time that such Works are carried on to provide and place necessary Lights at Night, and to guard and fence off the said Works, so as to prevent any such Damage or Inconvenience as aforesaid; and the Expence of doing all and every or any of the Matters aforesaid shall be repaid by the said Company or their Treasurer to such Surveyor or Surveyors, Person or Persons, as aforesaid; and in default of Repayment for Ten Days next after Demand thereof in Writing shall have been made on the said Company for and on behalf of such Surveyor or Surveyors, or other Person or Persons (Proof of such Demand being made by the Oath of One credible Witness before a Justice of the Peace for the said County of *Warwick*), all such Sum and Sums of Money as shall have been so paid as and for the Expence of doing all and every or any of the Matters aforesaid shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or of their Treasurer, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, who is hereby empowered to grant the same.

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

LIV. Provided always, and be it further enacted, That the said Company, their Servants, Agents, Workmen, and others, shall not, by any Work to be done by virtue of this Act, damage or injure any public or private Sewer or Drain within the Limits of this Act; and if any Damage or Injury shall be done by them or any of them to any such Sewer or Drain the said Company shall forthwith well and sufficiently repair and make good such Damage or Injury; and in default thereof the Amount of such Damage or Injury, together with the Costs, Charges, and Expences of recovering the same, shall be recoverable by the Surveyor or Surveyors of the Highways, or other Person or Persons under whose Jurisdiction and Care such Sewer or Drain shall be, by Distress and Sale of the Goods and Chattels of the said Company, or of their Treasurer, by Warrant under the Hand

Hand and Seal of One Justice of the Peace for the County of *Warwick*, and which Warrant such Justice is hereby empowered to grant, or, in case the Amount claimed shall exceed Twenty Pounds, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Contracts, Debts, &c. of the Association to be available against and to the Company.

LV. And be it further enacted, That all Contracts, Agreements, and other Instruments entered into or made before the passing of this Act by the said Association acting by the Name of "The *Leamington Priors* Gas and Coke Company," or entered into or made by any Committee of Directors of the said Association, or by any Person or Persons acting on behalf of the said Association, and now in force, shall be as binding upon the said Company hereby incorporated, and be of as full Force and Effect in Law in all respects against and upon the Company hereby incorporated, as if the same respectively had been entered into or made by the said Company after the passing of this Act, or by the Committee of Directors of the said Company named or appointed in pursuance of this Act, or by any Person or Persons acting on behalf of the said Company in pursuance of this Act; and all Bodies Politic or Corporate, and all Persons whosoever, who at the Time of the passing of this Act shall be Parties or a Party to any such Contract, Agreement, or other Instrument as aforesaid, shall be answerable to the Company hereby incorporated for the full Performance of all and every the Conditions or Condition of any such Contract or Agreement therein stipulated to be done or performed by any such Parties or Party in like Manner as if such Contracts or Agreements respectively had been made or entered into in pursuance of this Act with the said Company, or any Committee of Directors named or appointed in pursuance of this Act; and all Bodies Politic or Corporate, and all Persons whosoever, who at the Time of the passing of this Act shall stand indebted to the aforesaid Association in any Sum or Sums of Money, shall be liable for the Payment thereof to the Company hereby established, or to their Treasurer or other Person or Persons to be appointed by the said Company to receive the same; and in case of Nonpayment thereof, or of any Part thereof, the said Company are hereby empowered to proceed for the Recovery thereof, and to recover the same.

Recovery of Rents.

LVI. And be it further enacted, That in case any Body or Bodies Politic or Corporate, Commissioners (other than and except the Commissioners for the Time being for lighting and improving the said Town of *Leamington Priors*, acting as Commissioners under and by virtue of an Act made and passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, herein-after mentioned), Trustees, Surveyors, or other Person or Persons who shall contract or agree with the said Company, or their Lessee or Lessees for the Time being, or agree to take or shall use or enjoy the said Gas, Gas Meters and Fittings, or any of them, shall refuse or neglect, for the Space of Twenty-one Days after Demand made personally or in Writing, and left at the House or last known Place of Abode of the Consumer, to pay the same or any of them or any Part thereof to the said Company, or their Lessee or Lessees, it shall be lawful for the said Company, or their Committee of Directors, or the Lessee or Lessees for

for the Time being of the said Company, or any other Person acting by or under their Authority, to apply to any Justice of the Peace acting in and for the said County of *Warwick*, not being interested in the Matter in question, who shall have Power to summon the Party complained against before any Two such Justices as before mentioned, and on such Party summoned appearing, or not appearing, to hear and determine the Matter of the Complaint, and the Amount due to the said Company or their Lessee or Lessees; and in case such Amount shall not be forthwith paid, to issue a Warrant under their Hands and Seals, authorizing and directing such Amount to be levied, together with Costs, by Distress and Sale of the Goods and Chattels of the Body or Bodies Politic or Corporate, Commissioners (except as herein-before excepted), Trustees, Surveyors, or other Person or Persons so neglecting or refusing to pay the same or any Part thereof, rendering the Overplus (if any) to such Body or Bodies Politic or Corporate, Commissioners, Trustees, Surveyors, or other Person or Persons, after the necessary Charges of making such Distress and Sale shall be first deducted: Provided always, that nothing herein contained shall authorize or empower such Justices to issue any Warrant as aforesaid for any larger Arrear than such as shall have become due within the Space of Six Calendar Months before the Date of the same Warrant, and not to exceed at any Time the Sum of Twenty Pounds; and after any Warrant shall have been so issued and satisfied it shall not be lawful for the said Justices, or any other Justices of the Peace, under the Authority of this Act, to issue a second Warrant for or in respect of any Gas Rents which shall be due at the Time that such first Warrant shall have been issued; or all such Sum and Sums of Money, with full Costs of Suit, may be recovered in any of Her Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Plaint, or Information; and it shall also be lawful for the said Company, or the Lessee or Lessees for the Time being, to cut off and take away the Supply of Gas from the House or Houses, Manufactories, public or private Buildings, Grounds, or Premises of every such Body or Bodies Politic or Corporate, Commissioners, Trustees, Surveyors, or other Person or Persons so making default in Payment of such Sum or Sums of Money then due for the Space of Ten Days after such Demand as aforesaid, and thenceforth to discontinue the Supply of Gas contracted or agreed for by such Person or Persons.

Limiting the Amount of Profits to be divided amongst the Proprietors.

LVII. Provided always, and be it further enacted, That the Profits of the said Undertaking divisible amongst the Proprietors of the said Company shall not exceed Ten Pounds *per Centum per Annum* upon the Average of the Seven preceding Years on the Amount paid in respect of each Share in the said Undertaking; and in order to ascertain the Profits of the said Undertaking the said Company or the said Directors shall and they are hereby required to cause a true and particular Account to be kept and annually made up to the Twenty-ninth Day of *September* in each Year of all Monies received by them under the Authority of this Act, and of all Charges and Expences attending the Construction, repairing, and maintaining the said Works, and the carrying on the said Undertaking; and if the clear Profits of the said Under-

taking, after Payment of all such Charges and Expences, shall in any Year amount to a larger Sum than shall be sufficient to make Distribution amongst the Proprietors of the said Company of Ten Pounds *per Centum per Annum* on the Amount paid in respect of each Share in the said Undertaking, the Excess beyond that Amount shall from Time to Time be invested in Government or other Securities; and the Dividends and Interest arising from such Securities shall also be invested, in order that the same may accumulate at Compound Interest, until the Fund so formed shall amount to Two thousand Pounds, which Fund shall be reserved to answer any Deficiency in the Amount of divisible Profits of the said Company, or to meet any extraordinary Claim or Demand arising against the said Company; and when the reserved Sum shall amount to the said Sum of Two thousand Pounds no further Sum shall be added thereto, but an Average shall be made for the Seven preceding Years of the Amount received by the said Company for supplying the said Town with Gas; and the Charges made by the said Company for supplying the said Town with Gas, both for the public and private Lamps, shall be so reduced that the Profits of the said Company may not exceed Ten Pounds *per Centum per Annum* upon the Amount paid in respect of any Share; and it shall be lawful for the Commissioners for lighting and watching the said Town to appoint a Committee to inspect the Books of the said Company, and the Directors shall and they are hereby required to produce all Books, Papers, and Writings to the said Committee for that Purpose.

Penalty on Washings draining into Wells.

LVIII. And be it further enacted, That if the said Company, or any Body or Bodies Politic or Corporate, or Person or Person whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, shall at any Time empty, drain, conduct, or convey, or cause or suffer to be emptied, drained, conducted, or conveyed, or to run or flow, any Washings or other waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of any Gas Works, or in the Manufacture or Process of making or procuring Gas, into any River, Brook, or Running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any other Annoyance, Act, or Thing to the Water contained in any such River, Brook, or Running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the Water, or any Part thereof, shall or may be soiled or contaminated, then and in every such Case the said Company, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve

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

For stopping the Escape of Gas.

LIX. 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 Parol 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 escaping; and in case the said Company shall not, within Twenty-four Hours next after such Notice by Parol or in Writing as aforesaid being given, 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

ration 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 before One Justice of the Peace for the County of *Warwick*, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company by the Warrant of such Justice, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

For the Protection of Water Pipes.

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

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

LXI. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, Way, Lane, or other public Passage or Place within the Limits of this Act shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof at the Distance of Four Feet at least, from the nearest Part of any Pipe

already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, Ways, Lanes, and other public Passages and Places, unless in Cases where it shall be unavoidably necessary to lay the said Gas Pipes or other Conduits across any of such Water Pipes, in which Cases the said Gas Pipes or other Conduits shall be laid at the greatest practicable Distance from the said Water Pipes, and shall form therewith, as near as possible, a Right Angle; and in such Cases the said Gas Pipes or other Conduits so crossing any such 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 the least; and in laying down any such Gas Pipes or other Conduits no Two or more of such Gas Pipes or other Conduit Pipes shall in any Case be joined together previous to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench, and the Jointing with the other Pipes to be added thereto shall be done and completed, after such Pipes shall be so laid or placed in the Trench, with proper and sufficient Materials; and all and every such Pipes or Conduits, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept and continued Airtight, so that in all and every respect the said Gas shall be prevented from escaping therefrom and from every Part thereof, at all Times, upon pain of Forfeiture by the said Company or Person or Persons offending for every such Offence of any Sum not exceeding Ten Pounds.

Gas Company liable for and to prevent the Contamination of Water.

LXII. And be it further enacted, That whenever the Water of any Company of Proprietors or other Owners or Proprietors of Waterworks, or of any other Person or Persons, or any Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Company, or of any Body Politic or Corporate, or any Person or Persons whomsoever, such Company or Body Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the Body or Person whose Water shall be so contaminated, or the Party or Person using any such Water, and suing for such Penalty; and in case such Water shall be contaminated or affected by the said Gas in any Way whatsoever, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall, within Twenty-four Hours after Notice thereof in Writing signed by the Clerk or other Officer of any Corporation, or by any Person whose Water shall be so contaminated or affected, or by any Person or Persons consuming such Water, to be left at the usual Office or Place of transacting Business of the said Company, or Body Politic or Corporate, or Person or Persons aforesaid, cause the most proper and effectual Measures to be taken to stop and prevent Gas from contaminating or affecting any such Water; and in case the said Company or Body Politic or Corporate, or Person or Persons as aforesaid, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid effectually and wholly and satisfactorily remove

the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any one of the Committee for the Time being of any Company of Proprietors of Waterworks, or other Body Politic or Corporate, or to the Owners or Proprietors of any Water Pipes, Well, or Pond, or to the Person or Persons consuming any such Water, and making such Complaint as aforesaid, for the Use and Benefit of the same Body or Bodies, Owners or Proprietors, or Person or Persons, over and above the before-mentioned Penalty of Twenty Pounds, any Sum not exceeding Ten Pounds for each and every Day during which the said Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and in default in Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered against the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, before any Justice of the Peace for the County of *Warwick*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, 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 Person complaining, for the Use of the Body or Bodies or Person or Persons whose Water shall be so contaminated, or to the Person or Persons consuming any such Water, and making such Complaint asaforesaid.

For ascertaining if the Water be contaminated.

LXIII. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of the said Company, or Body Politic or Corporate, or Person or Persons manufactoring or furnishing any Gas as aforesaid; be it therefore enacted, That in every such Case it shall be lawful for any Company of Proprietors, or any Owners or Proprietors of any Waterworks, Well, or Pond, or other Person or Persons using or consuming any such Water, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company, or of the said Body Politic or Corporate, or Person or Persons aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or that the said Water has been contaminated by any Escape of Gas of the said Company, or of the said Body Politic or Corporate, or Person or Persons aforesaid; and if it shall appear that such Water has been contaminated by any Escape of Gas of the said Company, or of any Body Politic or Corporate, or Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Road, Street, Way, Lane, or other public Passage which shall be taken up or disturbed, shall be borne and paid by the said Company, or by the said Body Politic or Corporate, or Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has

has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Company, or of such Body Politic or Corporate, or Person or Persons as aforesaid, then and in such Case the Person or Persons so digging or searching, or causing such digging or searching as aforesaid, shall bear and pay all the Expences of such Examination, Repair, and Search, and also make good to the Company, or such Body Politic or Corporate, or Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company, or of such Body Politic or Corporate, or Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement or Ground of the said Roads, Streets, Ways, Lanes, or other public Passages or Places so broken or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice of the Peace as aforesaid, and recoverable in like Manner as any Penalty may be recovered by virtue of this Act.

The Company liable to be indicted for Injury sustained by means of their Works.

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

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

LXV. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Pipe to communicate with any Pipe belonging to the said Company, nor fit or alter any of the Fittings of any Pipe or Pipes belonging to the said Company, without the Consent of the said Company in Writing first had and obtained, nor use Burners of a larger Dimension than he, she, or they shall contract to 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 any Sum not exceeding the Sum of Forty Shillings *per* Day for every Day such Pipe shall so remain, or such Excess be so committed, or Supply furnished.

Satisfaction for accidental Damage of Lamps.

LXVI. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, destroy, throw down, damage, or injure any Lamp or Lamps hung out, set up, or belonging to the said Company, or by any Person or Persons at his, her, or their private Expence, or any Pipe, Pedestal, Post, Plug, Lamp, or other Apparatus, Matter, or Thing belonging thereto or to the said Company, or belonging to any Person or Persons, and set

set up by him, her, or them at his, her, or their private Expence, or waste any Inflammable Air or Gas supplied by the said Company, or keep the Light or Lights burning for a longer Time than he, she, or they shall have contracted to pay for, or shall not, upon Demand by the said Company or their Committee of Directors, or their Clerk or Engineer, or other Person or Persons authorized by them, make Satisfaction for the Damage done, or the Excess of Gas obtained and used by keeping the Lights burning longer than they shall have contracted for as aforesaid, then and in every such Case it shall be lawful for any Two Justices of the Peace for the County of *Warwick*, and they are hereby empowered and required, upon Complaint to them made, to summon before them the Party or Parties against whom such Complaint shall be preferred, and upon hearing the Allegations and Proofs on both Sides, or on Nonappearance of the Party or Parties so complained against, to proceed *ex parte*, and to award such Sum or Sums of Money by way of Satisfaction to the Company, or to such other Person or Persons (as the Case may be and require), for such Damage or Excess, as such Justices shall think reasonable; and in case of Refusal or Neglect to pay any Sum or Sums so awarded within Fourteen Days next after Demand, it shall be lawful for such Justices and they are hereby required to cause the same, together with all Costs and Charges attending the Recovery thereof, to be raised and levied by Distress and Sale of the Goods and Chattels of the Offender, rendering the Overplus, if any, to the Owner of the Goods and Chattels so distrained.

A Board specifying the Penalties imposed by the Act to be put up in some conspicuous Place in the Town.

LXVII. Provided always, and be it further enacted, That the said Company shall and they are hereby required to provide a Board, and to cause to be painted thereon in legible Characters Specifications of the several Offences for which any Penalty is by this Act imposed, and of the Amount of the Penalty to which any Offender is by this Act subjected in respect of each such Offence, and shall cause such Board, with such Specifications painted thereon, to be put up and affixed on the public Office or some other conspicuous Place in the said Town of *Leamington Priors*; and in case such Board shall become decayed or defaced, or the Letters or Figures thereon shall be obliterated, the said Company shall from Time to Time restore the same, or cause the same to be restored and kept legible; and no Penalty by this Act imposed shall be payable or recoverable until such Board as aforesaid shall have been provided, put up, and affixed as aforesaid: Provided always, that if any Person shall pull down or break or deface any such Board so put up or affixed, or shall obliterate any of the Letters or Figures thereon, every such Person shall forfeit and pay for each Offence any Sum not exceeding Five Pounds, and shall also pay and defray the Expences attending the restoring of the same, to be recovered and levied as any Penalty by this Act imposed may be recovered and levied.

Damages and Charges, in case of Dispute, to be settled by a Justice.

LXVIII. And be it further enacted, That when by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of

Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act for levying of any Penalties or Forfeitures.

A Treasurer to be appointed.

LXIX. And be it further enacted, That the said Company shall and they are hereby required to appoint a Treasurer, and to take Security as aforesaid from such Treasurer for the Performance of his Trust; and all Penalties, Forfeitures, and Damages payable by the said Company by virtue of this Act, and which might by virtue of this Act be levied or recovered by Distress and Sale of the Goods and Chattels of the said Company, may be levied and recovered by Distress and Sale of the Goods and Chattels of such Treasurer: Provided always, that it shall be lawful for any such Treasurer to pay and discharge out of any Monies in his Hands the Amount of all or any of such Penalties, Forfeitures, and Damages which upon Conviction before any Justice or Justices of the Peace shall be payable by the said Company by virtue of this Act; and it shall also be lawful for any such Treasurer against whose Goods and Chattels any such Warrant of Distress shall be issued forthwith to pay and discharge, out of any Monies in his Hands belonging to the said Company, the Amount of the Penalty or Forfeiture or Damages for which such Warrant of Distress shall be issued, and also the reasonable Costs of such Warrant of Distress, and to charge such several Payments in his Accounts against the said Company as Monies paid by Authority and on behalf of the said Company, and the said Company shall allow such several Payments accordingly; and in case such Treasurer at the Time of the issuing or executing of such Warrant of Distress shall not have any or sufficient Monies for making such Payments in his Hands belonging to the said Company, and shall nevertheless forthwith pay the same as aforesaid, or shall suffer any Loss, Damage, or Injury by reason of such Distress, such Treasurer shall and may recover all Monies so paid, and the Amount of all Loss, Damage, or Injury so sustained, from the said Company, by Action of Debt or on the Case; or if the Amount thereof shall be less than Twenty Pounds, then by such other Ways and Means as any Penalty, Forfeiture, or Damages not exceeding Twenty Pounds may be recovered by virtue of this Act.

Penalties and Damages against the Company may be recovered from or paid by the Treasurer.

Mode of proceeding in the Recovery of Penalties.

LXX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before some Justice of the Peace it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons, without Information in

Writing, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

In case of Nonpayment of Compensation for Damages.

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

Recovery and Application of Penalties.

LXXII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall be adjudged by and recovered before any Justice of the Peace for the said County of *Warwick* by Summons, upon Proof of the Offences respectively before any Justice, either by Confession of the Party offending or by the Oath (or being a Quaker by the Affirmation) of any credible Witness or Witnesses, which Summons, Oath, or Affirmation such Justice is in every Case hereby fully authorized to issue, administer, and take; and such Justice is hereby authorized to convict the Party offending; and in default of Payment of such Penalties, Forfeitures, or Fines, the same shall be levied, together with the Costs attending the Information, Hearing, and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant under the Hand and Seal of

of such Justice (which such Justice is hereby empowered to grant), and the Surplus (if any), after such Penalties, Forfeitures, and Fines, and the Costs of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case any such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then the Offender or Offenders shall enter into his or their own Recognizances to appear 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 Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereon to levy such Penalties, Forfeitures, or Fines, and the Costs of such Distress and Sale as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, and Costs may be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County of *Warwick*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines respectively, and all reasonable Costs attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, may be from Time to Time paid and applied in manner following; that is to say, one Moiety thereof shall be paid to the Informer, and the other Moiety thereof be paid and applied to such public Charity of and in the said Town of *Leamington Priors* as the said Justice shall think proper.

For the Conviction of Offenders.

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

Form of Conviction.

'BE it remembered, That on Day of in the Year of our Lord is [*or* are] convicted before me, One of Her Majesty's Justices of the Peace for the County of *Warwick*, by virtue of an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*] of having [*specifying the Offence, and 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 do adjudge the said to have forfeited the Sum of . Given under my Hand and Seal the Day and Year first above written.'

Complaint to be lodged within Six

LXXIV. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment

Calendar Months.

Payment of any Penalty, Forfeiture, or Fine imposed by virtue of this Act for any Offence or Offences against the same, herein-before made cognizable before a Justice of the Peace as aforesaid, unless the Complaint respecting such Offence or Offences shall have been made before some Justice within Six Calendar Months next after committing of the Offence.

Power to appeal to General or Quarter Sessions.

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

Compelling Attendance of Witnesses.

LXXVI. And be it further enacted, That if any Person shall be summoned as a Witness before any Justice of the Peace as aforesaid touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect (without a reasonable Excuse) to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or her Costs and Expences, or appearing shall refuse to be examined upon Oath, or, in case of a Quaker, on solemn Affirmation, and to give Evidence before such Justice, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in the same Manner as any Penalty imposed by this Act is recoverable.

Corruptly swearing, Perjury.

LXXVII. And be it further enacted, That if any Witness who shall be examined by or before any Justice of the Peace, or otherwise under this Act, upon Oath or Affirmation, shall wilfully and corruptly

corruptly give false Evidence, and shall be thereof lawfuly convicted, every such Person so giving false Evidence shall be subject to the same Punishment as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Distress not unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form, &c.

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

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

LXXX. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Party to serve any Summons or Notice or Notices upon the said Company, or any Writ or other Proceedings either at Law or in Equity, the Service thereof upon the Clerk of the said Company, or at the principal Office of the said Company, or delivered to some Inmate at the last or usual Place of Abode of the Clerk to the said Company, and in case the Residence of the said Clerk be not known, then Service upon any Agent or other Officer employed by the said Company, or upon any one of the Committee of Directors for the Time being of the said Company, or delivered to some Inmate at the last or usual Place of Abode of any such Person, shall be deemed good and sufficient Service of the same respectively on the said Company.

Expences of this Act how to be paid.

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

Rules for Construction of certain Terms of the Act.

LXXXII. And be it further enacted, That wherever in this Act any Word or Words is or are used in the Plural Number or Masculine Gender only such Word or Words shall extend to and shall be construed to include the Singular as well as the Plural Number, and *vice versâ*, and Females as well as Males, unless it be otherwise directed or provided for.

Saving the Rights of the

LXXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend

Commissioners of Paving.

to prejudice, lessen, or defeat, or in any Manner to derogate from any of the Estates, Rights, Powers, Privileges, or Authorities of the Commissioners for paving, lighting, watching, regulating, and improving the Town of *Leamington Priors* aforesaid, and their Successors, vested in them under and by virtue of an Act of Parliament made and passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for paving or flagging, lighting, cleansing, watching, regulating, and improving the Town of* Leamington Priors *in the County of* Warwick, and which they the said Commissioners might lawfully claim, use, or exercise.

6 G. 4. c. 133.

This Act not to extend to the Borough of Warwick.

LXXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Company to lay down any Pipes in the Borough of *Warwick*, or to supply Gas to any Person or Persons within the said Borough.

Public Act.

LXXXV. 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.

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