ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

*** **

Cap. lii.

An Act to amend an Act of King *George* the Fourth, for lighting with Gas the Borough of *Leicester* in the County of *Leicester*, and the Liberties, Precincts, and Suburbs thereof. [4th *July* 1838.]

WHEREAS an Act was passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for lighting with Gas the Borough of* Leicester *in* 2 G. 4. c. 3.
the County of Leicester, *and the Liberties, Precincts, and Suburbs thereof:* And whereas by virtue of the said Act certain Persons, their Successors, Executors, Administrators, and Assigns, were incorporated by the Name of "The *Leicester* Gas Light and Coke Company," and the said Company erected Gas Works and laid down Pipes in the said Town of *Leicester* and the Suburbs thereof, and supplied the Inhabitants thereof with Gas: And whereas by the said Act the said Company were authorized, under certain Regulations, to raise any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-four thousand Pounds, but they have at present raised the Sum of Twenty-one thousand seven hundred and thirty-seven Pounds Ten Shillings only, which Amount has been contributed by the Company, and now forms their Capital Stock: And whereas since the

the passing of the said Act the said Borough and the Suburbs thereof have greatly increased in Population and Extent, and the Capital so as aforesaid authorized to be raised has been found insufficient, and it is expedient that the said Company should be authorized to raise a further Sum of Money, and also that several of the Powers and Provisions of the said recited Act should be altered, amended, extended, enlarged, and explained in manner herein-after contained; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are hereby varied, altered, or repealed, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act.

Powers of recited Act, except as hereby altered, extended to this Act.

So much of recited Act as enables the Company, with Consent of Justices, to raise Money, repealed.

II. And be it further enacted, That from and after the passing of this Act so much of the said recited Act as enacts that in case it shall at any Time hereafter appear to a Majority of His Majesty's Justices of the Peace for the said Borough of *Leicester* that it will be for the Benefit of the Inhabitants of the said Borough, Parishes, Liberties, and Places to have the several Streets, Squares, Lanes, and Passages therein more generally lighted than can be effected by the Expenditure of the original Capital of Twelve thousand Pounds already subscribed and the said additional Capital or Sum of Four thousand Pounds hereby authorized to be raised, and the said Company shall be willing further to increase such Capital by raising an additional Sum for that Purpose, that then and in such Case it shall and may be lawful to and for the said Company, by and with the Consent and Authority of a Majority of His Majesty's Justices of the Peace for the said Borough for the Time being, assembled at some General Quarter Sessions of the Peace to be holden for the said Borough, first had and obtained, (which Consent and Authority shall be signified in Writing under the Hand of the Clerk of the Peace for the said Borough,) from Time to Time to raise any further Sum and Sums of Money for the Purpose of extending their said Undertaking, not exceeding in the whole the Sum of Eight thousand Pounds, by such and the same Ways, and in such and the same Manner, Shares, or Proportions, as the said additional Sum of Four thousand Pounds is herein-before authorized to be raised; and in case the said additional Sum of Eight thousand Pounds, or any Part thereof, shall be raised by the Creation of any new additional Shares, that then every Subscriber towards raising such further Sum of Eight thousand Pounds by Shares shall be a Proprietor in the said Undertaking, and shall stand interested in all the Profits, Privileges, and Advantages of the said Undertaking, and shall be liable to the like Burthens in proportion to the Amount of his, her, or their Subscriptions, as generally and extensively to all Intents and Purposes as if the same had been Part of the said original Capital Stock of Twelve thousand Pounds, any thing herein contained

to the contrary thereof in anywise notwithstanding; shall be and the same is hereby repealed: Provided always, that the Repeal of the said Provision shall in nowise prejudice or affect any Act, Matter, or Thing heretofore done by virtue or in pursuance thereof.

Power to raise an additional Sum by Mortgage.

III. And be it further enacted, That it shall and may be lawful for the said Company to raise, by way of Mortgage of or Loan upon the Security of the said Works, any further or other Sum of Money for the Purposes of the said Act and this Act, not exceeding in the whole the Sum of Seven thousand Pounds.

Power to augment the CapitalStock.

IV. And be it further enacted, That it shall be lawful for the said Company to raise, by way of Augmentation of their Capital Stock, and either by Contributions amongst themselves or by the Admission of others as Shareholders in the said Undertaking, or in part by each of those Means, any further Sum of Money not exceeding in the whole the Sum of Seventeen thousand two hundred and sixty-two Pounds Ten Shillings; and such Capital Stock shall be vested in the several Persons subscribing for the same, and their Successors, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and every Person, Body Politic or Corporate, subscribing towards raising such further Capital Stock shall be a Proprietor in the said Undertaking, and stand interested in all the Profits, Privileges, and Advantages of the said Undertaking, and shall be liable to the like Burdens in proportion to the Amount of his, her, or their Subscriptions, as generally and extensively to all Intents and Purposes as if the same had been originally Part of the Capital Stock in and by the said recited Act authorized to be raised.

Capital Stock to be divided into Shares of 10*l.* each.

V. And be it further enacted, That as soon as may be after the passing of this Act the then existing Capital Stock of the said Company shall be divided into Shares of Ten Pounds each; and any subsequent Augmentation of such Capital Stock shall be raised in Shares of the like Amount, and every Share shall be distinguished by a Number to be appointed for the same.

Repeal of so much of recited Act as prevents holding more than 20 Shares;

VI. And be it further enacted, That from and after the passing of this Act so much of the said recited Act as provides that no Person shall hold more than Twenty Shares in the said Undertaking shall be and the same is hereby repealed.

and of so much as enables General Meetings to make Bye Laws;

VII. And be it further enacted, That so much of the said recited Act as enacts that the said Company shall have full Power and Authority from Time to Time, at any of their General Meetings as aforesaid, to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Undertaking, and for regulating the Proceedings of their Committee of Management, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs and Business of the said Company, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time

Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Forty Shillings for any One Offence, as to the said General Meeting shall seem meet and expedient; and all Rules, Orders, and Bye Laws so made as aforesaid, being reduced into Writing, and the Common Seal of the said Company thereto affixed, shall be printed, and be binding upon all such Persons, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or any of the Directions or Provisions of this Act; provided also, that Copies thereof shall be fixed and continued in the Office of the said Company, and all such Rules, Orders, and Bye Laws shall be subject to Appeal in manner by this Act directed; shall be and the same is hereby repealed.

and of so much as provides for holding One General and another Meeting in every Year.

VIII. And be it further enacted, That from and after the passing of this Act so much of the said recited Act as provides that there shall be in each Year One General Meeting of the said Company on the Twenty-fourth Day of *June*, or within Ten Days next after such Day, and that another Meeting of the said Company shall be held on the First Day of *January* in every Year, or within Fourteen Days of the same, shall be and the same is hereby repealed.

Two General Meetings to be held every Year.

IX. And be it further enacted, That from and after the passing of this Act Two General Meetings of the said Company shall be held in each Year on the First Day of *February* and the First Day of *August*, or within Ten Days next after such Days respectively.

So much of recited Act as disqualifies Members of Committee in certain Cases, repealed.

X. And be it further enacted, That from and after the passing of this Act so much of the said recited Act as provides that if any Person appointed a Member of the Committee shall refuse or neglect, unless prevented by Illness or Absence from Home, to attend any Four successive Meetings of the said Committee, every such Person shall thereby cease to act or vote at such Committee or be disqualified, and thereupon another Proprietor shall be elected in lieu of such defaulting Member, shall be and the same is hereby repealed.

As to the Appointment of Members of Committee.

XI. And be it further enacted, That after the passing of this Act the Three Members of the said Committee who under the said recited Act would have gone out of Office and whose Places would have been supplied on the Twenty-fourth Day of *June* in each Year, or within Ten Days thereafter, shall from and after the passing of this Act go out of Office and their Places shall be supplied on the First Day of *August* in each Year, or within Ten Days thereafter.

Power to call Special General Meetings.

XII. And be it further enacted, That any Ten or more Proprietors of the said Company, holding in the aggregate Four hundred Shares or upwards in the said Undertaking, may at any Time, by Writing under their Hands, given to the Clerk of the said Company, or left at his Office or usual Place of Abode, or given to any Member of the Committee

Committee of Management, or left at his last or usual Place of Abode, require the Committee of Management to call a Special General Meeting, so as such Requisition fully expresses the Objects for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Committee of Management to call such Meeting for the Space of Ten Days after such Notice given as aforesaid, the same may be called by such Proprietors, by Notice under their Hands; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by the said recited Act or by this Act given to the said Company with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them met together at every such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting of the said Company.

Notice of Meetings.

XIII. And be it further enacted, That the Notice for holding any General or Special General Meeting shall (except in case of a Meeting specially called by Proprietors in pursuance of the Provision lastly herein-before contained) be signed by Two of the Committee, or by the Clerk to the said Company.

Number of Proprietors, &c. to be present at Meetings.

XIV. And be it further enacted, That from and after the passing of this Act no General or Special General Meeting shall proceed to Business unless the Proprietors actually present shall amount to Five in Number at the least, nor unless the aggregate Number of Shares held by the Proprietors so actually present shall amount to Two hundred at the least.

Repeal of Fee on Registry of Transfers.

XV. And be it further enacted, That so much of the said recited Act as directs that the Sum of Five Shillings shall be paid to the Clerk or other Officer for the Entry or Registry of every Transfer of Shares in the said Company shall be and the same is hereby repealed.

Fee on Registry of Transfers.

XVI. And be it further enacted, That from and after the passing of this Act there shall be paid to the Clerk or other Officer by the Person requiring the same, for the Entry or Registry of any Transfer not comprising Twenty Shares, the Sum of Two Shillings and Sixpence only, and for every Transfer comprising Twenty Shares or upwards the Sum of Five Shillings.

Limiting the Price to be charged for Gas.

XVII. And be it further enacted, That from and after the passing of this Act, and thenceforth until the First Day of *January* which will be in the Year One thousand eight hundred and forty-seven, it shall not be lawful for the said Company to ask, demand, receive, or take, from any Person or Body Politic or Corporate who shall use or burn the said Gas by Meter, any Sum exceeding after the Rate of Eight Shillings and Sixpence *per* Thousand Cubic Feet for the Gas supplied by the said Company, and so used or burnt by any such Person or Body Politic or Corporate: Provided always, that if it shall happen that any other Company shall supply Gas within the Borough of *Leicester* aforesaid, or the Liberties, Precincts, or Suburbs thereof,

before the said First Day of *January* One thousand eight hundred and forty-seven, then and thereupon the Limitations lastly hereinbefore contained shall immediately cease and be void.

Limiting the Price to be charged for Meters.

XVIII. And be it further enacted, That in any Case where the said Company shall sell a Meter to any Person or Body Politic or Corporate, for the Purpose of measuring the Gas supplied by the said Company, no more than the Cost Price shall be charged by the Company for such Meter; and in every Case where the said Company shall let a Meter for the Purpose aforesaid they shall put up and affix and keep the same in repair at a Rent not exceeding *per Annum* as follows; *videlicet*, for a Five-light Meter, Six Shillings; for a Ten-light Meter, Eight Shillings; for a Twenty-light Meter, Twenty Shillings; for a Thirty-light Meter, Thirty Shillings; for a Forty-five-light Meter, Forty-five Shillings; for a Sixty-light Meter, Fifty-five Shillings; for an Eighty-light Meter, Seventy Shillings; and for an Hundred-light Meter, Eighty-five Shillings; and such Rents shall be payable quarterly, and shall be recoverable in like Manner as any Sum or Sums of Money due for Gas can or may be recovered by virtue of the said recited Act; and the Meters so to be let as aforesaid shall be and continue the Property of the said Company.

Persons using Meters may provide their own Burners, &c.

XIX. And be it further enacted, That every Person, Body Politic or Corporate, using or burning the said Gas by Meter, shall, during so long as he shall so use or burn the same, be at liberty to purchase or provide his or their Burners and other Fittings (except the Meter) from any Person or Persons whomsoever, and to employ such Person as he or they may think fit to put up and affix the same, any thing in the said recited Act to the contrary thereof in anywise notwithstanding.

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

XX. 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 or Manufactories, Grounds or Premises, under the Provisions of the said recited Act or of this Act, or where the Contract for supplying such Gas has determined, it shall be lawful for the said Company, their Agents and Workmen, on giving Twenty-four Hours previous Notice in Writing of their Intention so to do, to enter into or upon any such House or Houses, Shops, Inns, Taverns, or other Buildings or 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 Purpose of repairing and making good any such House or Houses, Shops, Inns, Taverns, Buildings, or Manufactories where such Pipe or Apparatus shall have been so introduced.

So much of recited Act as respects making of Dividends repealed.

XXI. And be it further enacted, That so much of the said recited Act as directs that on the First Day of *January* in each Year, or within Fourteen Days of the same, a yearly Dividend or Dividends shall be made, shall be and the same is hereby repealed.

XXII. And

Power to make Dividends.

XXII. And be it further enacted, That the said Company shall and they are hereby empowered to make such Dividend or Dividends upon the Principal Monies subscribed and actually paid as shall from Time to Time be resolved upon at a General Meeting of the said Company.

Penalty on Washings draining into Wells.

XXIII. And be it further enacted, That if the said Company, or any Body or Bodies Politic or Corporate, or Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Borough of *Leicester* or the Suburbs thereof, 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, Spring Head, 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 Spring Head, 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, one Moiety thereof shall be paid to the Person or Persons who shall sue for the same, and the other Moiety to the Person against whom any such Annoyance, Act, or Thing shall have been done or committed, or who shall have been injured thereby: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have 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, Spring Head, 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

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 such last-mentioned Penalty shall and may be recovered and levied and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied.

For preventing Escape of Gas.

XXIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall hereafter be laid down or set up by the said Company, or other Person whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Borough or the Suburbs thereof, the said Company or other Person as aforesaid shall, immediately after Notice in Writing of any such Escape of Gas by any Person whomsoever, to be left at the usual Office or Place of transacting Business of the said Company, or other Person making, furnishing, or supplying such Gas as aforesaid, (as the Case may be,) cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company or other Person as aforesaid shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent further Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company or other Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day after the Expiration of Twenty-four Hours after the Time of giving such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath or Affirmation of a credible Witness before a Justice of the Peace, and shall and may be recovered with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company or other Person, by 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, and shall be paid to the Informer, or to the Person who in the Judgment of the said Justice shall have sustained anyAnnoy ance, Injury, or Damage thereby.

For preventing Contamination of Water by the Escape of Gas.

XXV. And be it further enacted, That whenever the Water of any Company of Proprietors of Waterworks, or any Water in any Well or Pond belonging to or used by any Person within the said Borough or the Suburbs thereof, shall be contaminated by any Gas used, burnt, or consumed therein, the said Company or Person

making, furnishing, or supplying such Gas shall forfeit and pay the Sum of Twenty Pounds, to be levied and recovered as any Penalty is hereby directed to be levied and recovered, and the same shall be applied to and for the Benefit of the Person aggrieved thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatever, then and in every such Case the said Company or Person making, furnishing, or supplying such Gas shall, within Twenty-four Hours next after such Notice thereof in Writing signed by any Person interested in or making use of such Water, to be left at the usual Office or Place of transacting Business of the said Company, or other Person making, furnishing, or supplying such Gas, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water as aforesaid; and in case the said Company or Person making, furnishing, or supplying such Gas shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent every such Contamination whereof Notice shall be given as aforesaid, then the said Company or Person making, furnishing, or supplying such Gas as aforesaid shall on each Complaint forfeit and pay to the Person aggrieved, for the Use and Benefit of the same Person, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid such Penalty shall and may be recovered as any other Penalty is hereby directed to be recovered, and shall be applied to and for the Benefit of the Person aggrieved.

For ascertaining if the Water is contaminated.

XXVI. And whereas it may become a Question, upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Company or Person as aforesaid; be it therefore enacted, That in every such Case it shall be lawful for the said Company of Proprietors of Waterworks, or for any Person interested in such Well or Pond which may be deemed affected as aforesaid, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company or Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Company or Person as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Company or Person as aforesaid, and such Company of Proprietors of Waterworks, or Person interested as aforesaid, shall have given Twenty-four Hours Notice in Writing to the said Company or Person as aforesaid, or to their or his Clerk or Surveyor, of their or his Intention to dig and make such Search and Examination, to the Intent that they or he may attend such Search or Examination, then and in such Case the Costs and Expences of the Digging, Search, and Examination, and Repair of any Pavement which shall be taken up or disturbed in any such Examination or Search, shall be borne and paid by the said Company or Person aforesaid; which Costs and Expences shall be ascertained and determined (if necessary) by any One Justice of the Peace, and be

recovered in like Manner as Penalties or Damages may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the said Company or Person as aforesaid, then and in such Case the said Company of Proprietors of Waterworks, or other Person interested as aforesaid, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Company or Person as aforesaid any Loss, Injury, or Damage which may be occasioned to the Mains, Pipes, Conduits, or Apparatus of the said Company or Person in and by such Search and Examination, and also to any Pavement, Gutter, and Watercourse broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss or Damage, to be ascertained and determined, in case of any Dispute respecting the same, by such Justice of the Peace, and shall or may be levied and recovered, in case of Nonpayment thereof, as any other Penalties are herein-after directed to be levied and recovered.

For the Protection of Water Pipes.

XXVII. 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 the said recited Act or 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 Borough or the Suburbs thereof, 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 Borough of *Leicester*, 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.

XXVIII. And

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

XXVIII. 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 Air-tight, 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.

Act not to prevent the Commissioners or Persons supplying Gas from being iudicted for a Nuisance.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to protect the said Company, or any Person making, furnishing, or supplying any Gas used, burnt, or consumed within the said Borough, or the Suburbs thereof, or any of the Servants, Officers, or Workmen of the said Company or other Person as aforesaid, from any Indictment or Prosecution for a public or a private Nuisance in respect of any Gas Works, or the Means which shall be employed by them in making the said Gas and using the same, and furnishing any Gas Light, nor from any Action for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of Lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Company to reinstate the Pavements broken up by them.

XXX. And be it further enacted, That in every Case where the said Company shall, under the Provisions of the said recited Act, break up the Pavement or Soil of any Street or public Place, and shall repave,

repave, relay, or reinstate the same in an unworkmanlike, unsubstantial, or inefficient Manner, it shall be lawful at any Time within Six Calendar Months thereafter for the Surveyors or Surveyor of the Highways, or any other Person or Persons having the Control or Superintendence of such Street or Place, by Notice in Writing under his or their Hand or Hands, to be served on the Clerk of the said Company in the Manner required by the said recited Act, to require the said Company to repave, repair, or reinstate the Part or Parts of such Street or Place so improperly or inefficiently repaved or reinstated, and the said Company shall, within Twenty-one Days next after such Notice, repave, reinstate, or repair the same accordingly in a good, substantial, and efficient Manner, or in default thereof shall forfeit any Sum not exceeding Five Pounds, to be paid to such Surveyors or Surveyor or other Persons or Person having such Control or Superintendence as aforesaid, such Sum, when recovered, to go and be applied to increase the Borough Fund; and also in case of such Default it shall be lawful for such Surveyors or Surveyor or other Persons or Person, immediately on the Expiration of such Twenty-one Days, or at any Time within Three Calendar Months thereafter, to repave, reinstate, or repair so much of the said Street or public Place as has been so improperly, unsubstantially, or inefficiently repaved or reinstated by the said Company; and all the reasonable Costs and Charges incurred by such Surveyor or other Person in or about such repaving, reinstating, or repairing, and of guarding and lighting the same by Night during the Time the Works are carrying on, and all other Expences incidental to such Works, shall be repaid by the said Company to such Surveyors or Surveyor or other Persons or Person; or in default thereof by the Space of Three Days next after Demand in Writing to be made upon such Clerk in manner aforesaid, stating the Particulars of the Monies so expended, the Amount thereof shall, on due Proof before One or more Justice or Justices of the Peace for the said Borough of *Leicester*, be levied and recovered, for the Purpose of reimbursing such Surveyors or Surveyor or other Persons or Person, by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby empowered to grant the same.

In case of Insufficiency of Property of the Company whereupon to levy, the Proprietors to be liable to the Amount of their unpaid Calls.

XXXI. Provided always, and be it further enacted, That in case Execution upon any Judgment, Order, or Decree in any Action, Suit, or other Proceeding obtained against the said Company, whether as Plaintiffs or Defendants, shall have been issued or taken out against the Lands, Property, or Funds of the said Company, and no sufficient Land, Property, or Funds can be found whereon to levy or execute the same, then and in such Case Execution upon any such Judgment, Order, or Decree may be issued against any Proprietor or Proprietors of the said Company, after Leave for that Purpose by the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, which Leave shall be applied for upon Motion to be made in open Court after Notice in Writing given to the Person or Persons sought to be charged; but nevertheless so as that no such Proprietor shall thereby be made responsible or liable for, or be called upon or compelled to pay, any greater Sum of Money than the Amount of his unpaid

unpaid Capital or Calls in the said Undertaking, after deducting all previous Payments which may have been made under or in consequence of any other Judgment, Decree, or Execution; and every Proprietor who shall be called upon or required to pay any Sum of Money by means of any such Execution beyond the Amount (if any) then due from him in respect of Calls then made and payable shall forthwith be reimbursed such additional Sum out of the Funds of the Company.

Compensation for Damage, &c. may be levied by Distress.

XXXII. 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 or Justices of the Peace by virtue of the said recited Act or this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Company, or any other Person or Persons acting by or under their Authority, or for any Penalty, 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 Twenty-one Days after Demand in Writing shall have been made from the said Company in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of the said recited Act or this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Surplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in 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 the said recited Act or this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Justices may proceed by Summons in the recovery of Penalties.

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

Expences of Act.

XXXIV. And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act and of carrying the same into effect shall be defrayed and paid by the said Company out of the Monies received or to be received by them under the Authority of the said recited Act and of this Act, or either of them, in preference to any other Payment whatsoever.

Public Act.

XXXV. 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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