ANNO SEXTO

GULIELMI IV. REGIS.

Cap. xxviii.

An Act for lighting with Gas the Towns of *New Mills* and *Hayfield*, and the Neighbourhoods thereof, in the County of *Derby*.

[19th *May* 1836.]

WHEREAS the Towns or Villages of *New Mills* and *Hayfield*, and the Neighbourhoods thereof, in the Townships or Hamlets of *Beard*, *Ollerset*, *Whitle*, *Thornset*, *Great Hamlet*, *Phoside*, and *Kinder*, in the Parish of *Glossop* in the County of *Derby*, are large and populous, and it will contribute much, not only to the Safety and Advantage of the Inhabitants, Owners, and Occupiers of Houses and other Buildings within the said Towns or Villages, and the Neighbourhoods thereof, but to all Persons resorting to and travelling through the same, if the several Streets, Roads, Ways, Lanes, Bridges, and other public Passages and Places within the said Towns or Villages and the Neighbourhoods thereof were properly lighted at Night: And whereas Inflammable Air, Carburetted Hydrogen, or Gas may be procured from Coal and other Substances, and such Gas, being conveyed by means of Pipes, may be beneficially used for lighting the said Streets, Roads, Ways, Lanes, Bridges, and other public Passages and Places, and also for lighting Manufactories, Warehouses, Shops, Inns, Taverns, private Houses, and other Buildings therein: And whereas Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil may also be produced from Coal and other Substances, and such Coke may be beneficially employed as Fuel in Ma-

nufactories and private Houses, and such Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil may be used and applied in various other Ways with great Advantage: And whereas the several Persons herein-after named are willing and desirous of undertaking, at their own Costs and Charges, to erect Retorts, Gasometers, and other Works, and effectually to light with Gas the said Towns or Villages and the Neighbourhoods, on being constituted a Company by Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *George Barlow*, *John Bridge*, *Elijah Hibbert*, *Horatio Nelson*, *John Potts*, *John Rhodes*, and *John Yates*, and all and every such other Persons and Person, and Bodies and Body Politic, Corporate, or Collegiate, as from Time to Time shall become Subscribers or a Subscriber, and be duly admitted Proprietors or a Proprietor, in such Manner as herein-after is mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into One Body Politic and Corporate by the Name of "The *New Mills* and *Hayfield* Gas Light 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 or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm.

Proprietors incorporated.

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, or other Materials, and for lighting with Gas all Streets, Roads, Ways, Lanes, Bridges, and public Passages and Places, Churches, Chapels, and Buildings, and also all Manufactories, Warehouses, Shops, Inns, Taverns, private Houses, and other Buildings within the said Towns or Villages and Neighbourhoods, and also for selling and disposing of Coke, and of all and every other the Product and Products, Refuse, or Residuum arising or to be obtained from the Materials used in or necessary for the Manufacture or Supply of Gas, in such Manner as the said Company may think proper.

Power to contract for the Purchase of Lands and Buildings.

III. And be it further enacted, That it shall and may be lawful for the said Company or their Committee of Management for the Time being, and they are hereby empowered, from Time to Time to treat, contract, and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said Towns or Villages or the Neighbourhoods thereof, or any of them or any Part thereof, for the Purposes of this Act (not exceeding Three Statute Acres in the whole), with any Body Politic, Corporate, or Collegiate, or with any Person or Persons whomsoever who shall be willing to sell the same, or his, her, or their Right and Interest in the same, for the Uses and Purposes of this Act, and upon Payment of the Purchase Money for any such Lands, Tenements, or Hereditaments to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be), such Lands, Tenements, or Hereditaments may be taken and used for the Purposes of this Act, and from thenceforth all

Parties

Parties and Persons whomsoever shall be divested of all Right and Title, Claim or Reversion, to such Lands, Tenements, or Hereditaments, and the same Lands, Tenements, or Hereditaments shall vest in the said *New Mills* and *Hayfield* Gas Light Company; and it shall be lawful for the said Company to hold any such Lands, Tenements, or Hereditaments, and any Term, Right, and Interest therein so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statute of Mortmain, or of any other Law or Statute whatsoever, and from Time to Time, and at any Time or Times thereafter, to sell or dispose of the said Lands, Tenements, or Hereditaments, or any of them, as they shall think proper, and from Time to Time to purchase and hold other Lands, Tenements, or Hereditaments, and again to sell the same in like Manner, subject to the Provisions and Directions in this Act contained.

Bodies Politic, &c. empowered to sell.

IV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and for Persons having any other partial or qualified Estate or Interest, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every Persons and Person whomsoever who are or shall be seised or possessed of or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, to contract for, sell, and convey the same or any Part thereof unto the said Company; and all such Contracts, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the Form following, or as near thereto as the Circumstances of the Case will admit of; (that is to say,)

Form of Conveyance.

'I [*or* We, *as the Case may be*,] of in consideration of the Sum of paid to me [*or* us, *or* into the Bank of *England*, *as the Case may be*,] by the *New Mills* and *Hayfield* Gas Light Company, established by virtue of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], do hereby grant and release [*or* assign, *as the Case may be*,] to the said Company 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 [*or as the Case may be*, during all the Remainder of my [*or* our] Term, Estate, or Interest in the said Premises]. In witness whereof I [*or* we] have hereunto set my Hand and Seal [*or* our Hands and Seals, *or* our Common Seal, *as the Case may be*,] this Day of in the Year of our Lord One thousand eight hundred and .'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be a Merger of all outstanding Terms of Years, and be a complete

complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Power to resell Lands not wanted.

V. And be it further enacted, That it shall be lawful for the said Company from Time to Time and they are hereby required, within Five Years after the passing of this Act, to sell and dispose of to such Person or Persons as shall be willing to purchase the same, and by Indenture or Indentures under their Common Seal to grant and convey to such Purchaser or Purchasers, by way of absolute Sale in Fee Simple, or to such Uses or in such Manner as the Purchaser or Purchasers thereof shall direct, for a competent Consideration in Money, all or any Part or Parts of the Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall be lawful for the Treasurer (if only One) or (if more than One) for the Treasurers, who, if engaged in Partnership together, may sign in their Style or Firm by any One of such Firm for the Time being, to the said Company, to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge to any Purchaser or Purchasers for the Money therein and thereby expressed or acknowledged to be received; and such Purchaser or Purchasers, having *bonâ fide* paid the same and obtained such Receipt or Receipts for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of the said Purchase Money or any Part thereof; and after any such Sale it shall be lawful for the said Company to purchase other Lands, Tenements, or Hereditaments, so that the whole Quantity of Land to be at any Time held by the said Company shall not at any Time exceed Three Statute Acres.

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

VI. And whereas the said Company are by this Act enabled to purchase and hold Three Statute Acres of Land, and all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and Persons having any other partial or qualified Estate or Interest, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, and all Femes Covert who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, are empowered to sell such Quantity or Number of Acres of Land to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands, Tenements, or Hereditaments so purchased from any Corporation, or Person or Persons under any Disability or Incapacity as herein-before mentioned, and again purchasing other Lands from the same or any other Corporation, or Person or Persons under any Disability or Incapacity as aforesaid, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Corporation, or Person or Persons under any Disability or Incapacity as aforesaid, more than such Three Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Three Statute Acres so purchased, it shall not be lawful for the said Company to purchase of, or for the same or any Corporation, or other Person or Persons under any Disability or Incapacity as aforesaid,

to sell to the said Company, any other Lands, Tenements, or Hereditaments in lieu or stead of those Three Statute Acres or any Part thereof so sold or disposed of by the said Company.

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

VII. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Lands, Tenements, or Hereditaments, or any Estate or Estates, Interest or Interests therein, to be purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, or Person or Persons under any Disability or Incapacity as aforesaid, such Monies shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The *New Mills* and *Hayfield* Gas Light Company," pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing* 1 G. 4. c. 35. *Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or in or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were then actually made.

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

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

When not exceeding 20*l.*

IX. And be it further enacted, That where such Money so contracted or agreed to be paid as last before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased for the Purposes of this Act, in such Manner as the Committee of the said Company, or any Two or more of them, shall think fit, or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

X. And be it further enacted, That when any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Body or Bodies or Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Here-

Hereditaments, Parts, Estates, or Interests, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Bodies, Person or Persons, was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or to some Estate or Interest therein.

Expences of Purchases by whom to be paid.

XI. And be it further enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies or Person or Persons entitled to any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or Estates or Interests therein, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Costs, Charges, and Expences of any Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence of the Purchase or taking or using such Lands, and also of the Re-investment of the Purchase or Compensation Money in Land, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Disposition of the Money so invested as aforesaid, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

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

XII. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments by the said Company to the Party or Parties or Person or Persons respectively entitled to such Monies, or their Agents, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein-before directed (as the Case may be), and upon a Receipt or Receipts, Certificate or Certificates, obtained for such Payment or Payments, such Lands, Tenements, or Hereditaments, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law or Equity of the Party and Parties and Person and Persons respectively to whom or for whose Use the same shall be paid in, to, or out of such Lands, Tenements, and Hereditaments, shall vest in the said Company and their Successors for ever, for effecting the Uses and Purposes of this Act.

Capital or Joint Stock not to exceed 4,000*l.*

XIII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves a Sum of Money, by way of Capital or Joint Stock, to be applied and used in establishing and carrying on the said Undertaking and the Purposes aforesaid, not exceeding in the whole the Sum of Four thousand Pounds, the whole of which Sum shall be subscribed before the Powers of this Act shall be put in execution.

XIV. And

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

XIV. And be it further enacted, That the said Capital or Joint Stock of the said Company shall be divided into Shares of Twenty Pounds each; and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, and every such Share shall always be distinguished by the Number to be applied to the same; and the said Capital or Joint Stock of the said Company shall be and is hereby vested in the several Persons so raising or contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Number of Shares therein they shall severally subscribe for or hold; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for or hold One or more such Share or Shares, and who shall contribute or pay such Sum or Sums as shall from Time to Time be called for in respect of any such Shares or Share by virtue of the Provisions of this Act, shall be entitled to and receive, at such Time and Times as the said Company shall direct and appoint, the entire and net Distribution of an equal proportionable Part (according to the Money so contributed or paid) 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 Body Politic, Corporate, or Collegiate, Person and Persons, having or holding any such Share or 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 Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons, who have subscribed for or agreed to subscribe for any Share or Shares in the said Undertaking or Capital or Joint Stock of the said Company, or who shall hereafter subscribe for or agree to subscribe for any Share or Shares therein, or who shall become Proprietor of or be entitled to One or more Share or Shares in the Capital or Joint Stock of the said Company, or the Executors or Administrators of any such Proprietor, shall be deemed to be Proprietors or a Proprietor of the Undertaking hereby authorized to be carried into effect; and the Names of such Proprietors, with the Numbers of their respective Shares, shall be registered in the Books of the said Company.

Subscribers to be deemed Proprietors.

Shares to be deemed Personal Estate.

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

Lands, &c. of Company liable to its Debts and Contracts.

XVI. And be it further enacted, That the Lands, Tenements, and Hereditaments, Manufactories, Gasometers, Machinery, Apparatus, Works, Chattels, and Effects of the said Company shall be answerable for and subject to all just Debts, Engagements, and Liabilities of the said Company, and to all just Demands of the Creditors of the said Company; and shall be answerable for the due Performance of every Contract entered into by the Committee of the said Company, and for all Damages which shall be recovered by reason of any Breach or Nonperformance thereof.

Subscribers liable to the Debts of the

XVII. And be it further enacted, That the several Persons composing the said Company shall severally and respectively stand personally responsible

sible and answerable for all just Debts of the said Company, and for all just Demands of the Creditors of the said Company, and for the due Performance of all Contracts and Engagements entered into by the Committee of the said Company on behalf of the said Company, and for all Damages occasioned by the Execution of this Act, to the full Amount of the Call or Calls made, as herein-after is directed, in respect of their several and respective Shares in the said Capital or Joint Stock, but not further or otherwise: Provided always, that whenever Two or more Persons shall have jointly subscribed for or shall be jointly possessed of One or more Share or Shares in the said Undertaking, such Persons shall severally and respectively be answerable for the said Debts and Demands of the Creditors of the said Company, and other the Contracts and the Engagements aforesaid, to the full Amount of the Call or Calls made in respect of such Share or Shares, but not further or otherwise.

Company in proportion to their Share of the Stock.

XVIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to raise any further Sum or Sums of Money for any of the Purposes of this Act, not exceeding in the whole the Sum of Two thousand Pounds, by way of Loan, on Security of the Property and Effects belonging to the said Company; and for such Purpose it shall be lawful for the said Company or the Committee for the Time being, by and with the Advice and Direction of any General Meeting of the said Company, from Time to Time to borrow and take up at Interest, for the Use of the said Company, all or any Part of the said Sum of Two thousand Pounds, and thereupon by Writing under the Common Seal to mortgage or assign all or any Part of the Property and Effects of the said Company to such Person or Persons as shall lend or advance 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 Monies so borrowed; and every such Mortgage or Assignment shall be by Deed duly stamped, in which the Consideration for the same shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Power to raise a further Sum of 2,000*l.* by Mortgage.

Form of Mortgage.

‘ WE, the *New Mills* and *Hayfield* Gas Light Company, acting in pursuance of an Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of
‘ advanced and lent to the said Company by
‘ do hereby grant and assign unto the said of
‘ [*or* his *or* her Trustee or Trustees];
‘ or their Executors, Administrators, or 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 shall or 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

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Payment thereof, and to all Profits and Advantages thereof, according to the Form of Words of such Mortgage or Assignment, and the true Intent and Meaning of this Act.

Power to Mortgagees to transfer their Securities.

XIX. And be it further enacted, That it shall be lawful for the several Persons entitled to any such Mortgages or Assignments, and their respective Executors, Administrators, or Assigns (as the Case may be), 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 by Deed, in which the Consideration for such Transfer shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

'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 *New Mills*
'and *Hayfield* Gas Light Company, in pursuance of an Act passed in the
'Sixth Year of the Reign of King *William* the Fourth, intituled [*here set*
'*forth the Title of this Act*], do, in consideration of the Sum of
'paid to me by hereby assign and transfer all
'my Right and Interest in and to the said Mortgage Sum, and in and to
'the Property and Effects assigned to me for securing the same, unto
'his [*or* her] Executors, Administrators,
'and Assigns. Dated the Day of in the Year
'of our Lord .'

And a Copy of every such Mortgage or Assignment, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk of the said Company, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby secured and transferred, to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; 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 Person to whom such Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment thereof.

For enforcing Payment of Subscriptions.

XX. And be it further enacted, That the several Persons, or Bodies Politic, Corporate, or Collegiate, who have subscribed for and towards the said Undertaking, or who shall at any Time hereafter subscribe for and towards the said Undertaking, or who shall at any Time hereafter have or hold any Share or Shares in the Capital or Joint Stock of the said Company, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively so subscribed, or as shall be due on any such Share or Shares, or such Parts or Portions thereof as shall from Time to Time be called for pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such

Manner as shall from Time to Time be ordered and directed by any General or Special General Meeting of the said Company to be held for that Purpose, or by the Committee for the Time being of the said Company; and in case any such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall refuse or neglect to pay any such Money at such Time or Times and in such Manner as shall be ordered and directed by the said Company or their Committee as aforesaid, it shall be lawful for the said Company to sue for and recover the same from him, her, or them by Action of Debt or otherwise in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the appointed Time or Times of Payment, and full Costs of Suit, and in like Cases of Refusal or Neglect where Two or more Persons shall have jointly subscribed for or be jointly possessed of One or more Share or Shares in the said Undertaking, then in like Manner to sue for and recover the same from all or any of such joint Subscribers or Proprietors.

Certificates of Shares to be delivered to the Proprietors.

XXI. And be it further enacted, That the said Company or their Committee of Management shall and they are hereby required to cause the Names and Designations of the several Persons who are or shall be hereafter Subscribers to or Proprietors of a Share or Shares in the said Undertaking, with the Number of Shares possessed by each of the Subscribers and Proprietors, and also the proper Number by which every Share shall be distinguished, to be distinctly entered in a Book or Register to be kept by the Clerk to the said Company; and a Certificate under the Common Seal of the said Company shall be made out in respect of each and every Share in the said Undertaking, specifying therein the Name and Designation of the Subscriber or Subscribers or Proprietor or Proprietors of such Share or Shares, and the proper Number by which such Share shall be distinguished; and every such Certificate shall be delivered to the Proprietor of such Share, or his, her, or their Executors, Administrators, or Assigns, upon Demand, and such Certificate shall be admitted in all Courts and Proceedings whatsoever as Evidence of the Title of such Proprietor or Proprietors, his, her, or their Executors, Administrators, or Assigns, to the Share or Shares therein specified, and to the Profits and Advantage accruing in respect of the same, but the Want of such Certificate shall not hinder or prevent the Proprietor or Proprietors of any of the said Shares from selling or disposing thereof; and in case any such Certificate shall not be produced or forthcoming, the said Entry or a true Copy thereof, certified by the Clerk of the said Company, shall be deemed *prima facie* Evidence of Title, and for which Certificate and original Certificate respectively the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and which said Certificate may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

'*New Mills* and *Hayfield* Gas Light Company.

'Number

'THESE are to certify, That of

'is a Proprietor of the Share Number

'of the Capital or Joint Stock of the *New Mills* and *Hayfield* Gas Light 'Company, subject to the Rules, Regulations, and Orders of the said 'Company; and that the said his [*or* her] 'Executors, Administrators [*or* their Successors], and Assigns, is [*or* are] 'entitled to such Proportion of the Profits and Advantages arising or to

'arise

'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.

XXII. And be it further enacted, That it shall be lawful for the several and respective Proprietors of any such Share or Shares as aforesaid in the said Undertaking, or for their Executors, Administrators, Successors, and Assigns (as the Case may be), to sell and transfer any such Share or Shares; and every such Transfer shall be by Writing duly stamped, 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 'the Sum of Part of the Capital or Joint Stock of and 'in the Undertaking called the *New Mills* and *Hayfield* Gas Light Com- 'pany, being my [*or* our] Share [*or* Shares], Number [*or* Numbers] 'in the said Capital or Joint Stock and Property and Effects 'of the said Company, to hold to the said his [*or* her] 'Executors, Administrators [*or* their Successors], and Assigns, subject to 'the same Rules, Regulations, and Orders, and on the same Conditions, 'that I [*or* we] held the same immediately before the Execution hereof; 'and I [*or* we] the said do hereby agree to take 'and accept the said Share [*or* Shares], subject to the same Rules, Re- 'gulations, 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 shall be entered and registered by him in the Books of the said Company, and the Entry or Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred, for which Entry and Registry the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Clerk or other Officer making the same by the Person requiring such Transfer; and a Copy of such Registry, signed by the Clerk or other authorized Officer of the said Company, shall be sufficient Evidence of every such Sale and Transfer, and received as such in all Disputes and in all Trials before any Court or other Place of Judicature; and until such Transfer shall be entered or registered in the Books of the said Company as aforesaid, no Purchaser or Purchasers of any Share or Shares, or his, her, or their Executors, Administrators, Successors, or Assigns, shall have any Part or Share in the said Undertaking, or in the Profits and Advantages thereof, nor shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, nor be entitled to any Vote at any Meeting or Meetings as Proprietor or Proprietors of the said Undertaking in respect of such Share or Shares: Provided always, that after any Call for Money shall have been made by virtue of this Act no Proprietor or Proprietors shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking until the Money so called for in respect of his, her, or their Share or Shares intended to be sold shall be paid, unless he, she, or they shall, at the Time of such Sale or Transfer, pay the Money called for upon each Share so sold or transferred to the Treasurer of the said Company; and until such Money shall have been paid every such Sale or Transfer of any Share or Shares shall be void.

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

XXIII. And

Persons making false Declaration to be guilty of a Misdemeanor.

XXIII. And be it further enacted, That where in this Act a Declaration is directed to be used for the Purpose of Confirmation of written Instruments or Allegations, or of the Execution of Deeds or other Matters, the same shall be made in the Form prescribed in the Schedule to an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations 'taken and made in various Departments of the State, and to substitute 'Declarations in lieu thereof, and for the more entire Suppression of voluntary 'and extra-judicial Oaths and Affidavits,' and to make other Provisions for the Abolition of unnecessary Oaths*, or as near thereto as the Circumstances of the Case will admit, and shall be of the like Force and Effect as if an Affidavit or Affirmation in Writing had been made; and if any Declaration so made shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

5 & 6 W. 4. c. 62.

For ascertaining Proprietorship of Shares in certain Cases.

XXIV. And whereas by reason of Death, Insolvency, or Bankruptcy, or by the Absence from this Kingdom of the said Proprietors or any of them, or by Transfer of their, his, or her Right and Interest to some other Person or Persons, 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 is or are the Proprietor or Proprietors of such Share or Shares; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein-before specified, a Declaration in Writing shall be made by Two credible Persons before a Master or Master Extraordinary in His Majesty's High Court of Chancery, or any One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, and such Declaration shall be delivered to the Clerk of the said Company, to the Intent that he may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book to be kept in the Office of the Clerk to the said Company; and in all or any of the said Cases the Person or Persons who for the Time being shall appear, by the Registry to be kept by the Clerk of the said Company as aforesaid, to be the Owner or Owners of any Share or Shares in the said Undertaking, shall, for all the Purposes of Notice and Liabilities, be deemed and considered as the Proprietor or Proprietors thereof.

Proofs required where Rights accrue by Marriage or Death.

XXV. And be it further enacted, That when any Person or Persons shall claim any Part or Share in the Joint Stock of the said Company or the Profits thereof in right of Marriage a Declaration in Writing, containing a Copy of the Register of such Marriage, or the Purport of such Register, shall be made by some credible Person before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be delivered to and left with the Clerk for the Time being 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

be paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, before such Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof; and when any Person or Persons shall claim any Part or Share in the Joint Stock of the said Company, or the Profits thereof, under or by virtue of any Will or Bequest, or in a Course of Administration, the Probate Copy of the Will, or the Letters of Administration in case the Proprietor shall have died intestate, shall be produced and shown to the said Clerk, who shall make an Entry of such Will, or of so much thereof as shall relate to the Disposition of the Share or Shares of the Testator, or of the Letters of Administration in case the Proprietor shall have died intestate, 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, before any Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof: Provided nevertheless, that no Bequest or Clause in any such Will contained shall bind or affect, or be construed to bind or affect, the said Company with Notice of any Trust or Disposition of any Share or Shares in the Joint Stock of the said Company, or the Gains and Profits thereof; but the Registry of any such Share or Shares shall be in the Name or Names of the Executor or Executors who shall prove the Will of such Testator, or the Administrator or Administrators of his Effects, whose Receipt or Receipts to the said Company for the Gains and Profits thereof, and to any Purchaser or Purchasers for the Amount of the Purchase Money paid upon the Sale and Conveyance of such Share or Shares, shall be good and effectual, and shall bind the Cestuique Trusts and all other Persons claiming Interest under such Testator, any Rule or Law of Equity to the contrary notwithstanding.

First and other General Meetings of Proprietors, and Mode of Proceeding.

XXVI. And be it further enacted, That the said Company shall meet at the *George* Inn in *New Mills*, or at some other convenient Place within the Limits of this Act, on the Second *Friday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall and may then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time either to the same Place or to such other convenient Place within the Limits of this Act, as the Proprietors present shall think proper; and from and after the said First General Meeting of the said Company there shall be in each Year One General Meeting of the said Company, (that is to say,) on the First *Friday* next after the First Day of *July*, or within Ten Days next after; and it shall be lawful for any Two or more of the said Proprietors at any Time to call a Special General Meeting of the said Company; and Ten Days Notice at the least of such several General Meetings and Special General Meetings (except of the said First General Meeting and of any adjourned Meetings) shall be given by Letter sent by the Post, and 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, specifying the Place where the same shall be intended to be held, and in the Case of Notice for any Special General Meeting, also specifying the Object or Business for which such Special General Meeting shall be called; and the First of the said General Meetings shall be holden on the First *Friday* next after the First Day of *July* next, or within Ten Days next after the same; and all such

Special General Meetings may be called.

General

General Meetings and Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient; and at all such General Meetings or Special General Meetings to be held as aforesaid, the Number of Proprietors then present, not being fewer than Three, shall and may proceed to Business and act in the Execution of the several Powers by this Act given to the said Company; and if it shall at any Time happen that Three Proprietors shall not appear at any of such General Meetings or Special General Meetings between the Hours aforesaid, then and so often as the Case shall happen such Meeting or any adjourned Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, and at the same Place and Hour at which the Meeting ought to have been held as aforesaid; and no Business shall be transacted at any such Special General Meeting besides the Business for which such Meeting shall have been called, and no other Business shall be transacted at any adjourned Special General Meeting than the Business left unfinished at the previous Meeting; and at every such General and Special General Meeting one of the Proprietors present shall be elected to preside as Chairman, and all Questions shall be decided by a Majority of Votes, each Proprietor to have One Vote in respect of every such respective Share which he or she may possess in the said Undertaking; but nevertheless no Proprietor shall be entitled to vote at any such Meeting in respect of any Shares which he or she may possess in the said Undertaking, unless all Arrears due in pursuance of any Call or Calls which shall have been made by virtue of this Act upon or in respect of such Shares shall have been fully paid, nor shall any Proprietor vote at any such Meeting upon any Question in which such Proprietor shall be interested in any other Way than as being such Proprietor; and whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as one of the joint Proprietors of such Share or Shares shall be deemed to be the Proprietor of such Share or Shares for the Purpose of voting, and shall have the sole and entire Right of voting at all such Meetings in respect of such joint Share or Shares; and all Notices necessary to be given to the Proprietors of Shares in pursuance of this Act shall, in such Cases of joint Ownership of any Share or Shares, be given to such Person, and being so given shall be considered as a Notice given to all the Proprietors of such joint Share or Shares.

Manner of voting.

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

Lunatics and Minors to vote by their Committees and Guardians.

XXVIII. And be it further enacted, That the Orders and Proceedings of every Meeting of the said Company and of their Committee shall be entered in the Books of the said Company to be provided and kept for the Purpose; and such Orders and Proceedings shall be signed by the Chairman for the Time being of each respective Meeting, or, for the Purposes of Adjournment only, by the Clerk or Clerks to the said Company, and being so signed shall be deemed and taken to be original Orders and Proceedings.

Proceedings to be entered and signed.

XXIX. And

Notices of Meetings, &c. how to be given.

XXIX. And be it further enacted, That all Notices herein directed to be given of any General or Special General Meetings or Adjournments respectively, or to any of the said Proprietors, upon any Occasion not herein otherwise provided for, shall be given by Letters from the Clerk or some other Officer authorized by the said Company, sent by the Post, addressed to the several Proprietors of Shares in the said Undertaking at their last or usual Place of Residence, and such Notices when so given shall be deemed and considered the same as or in lieu of personal Notices.

Empowering Proprietors of Shares to vote by Proxy.

XXX. And be it further enacted, That the several and respective Proprietors of any Share or Shares in the said Undertaking, entitled to vote in respect of such Share or Shares at any General Meeting or Special General Meeting of the said Company, shall have full Power and Authority to vote at such General Meetings or Special General Meetings as aforesaid 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 Share or Shares,) duly constituted under his or her Hand, or in Cases of joint Possession of any Share or Shares, under the Hand of the Person whose Name shall stand first in the Register Book of the said Company, or in Cases of Minors, Lunatics, or Idiots, under the Hand or Hands of his, her, or their Guardian or Guardians, or Committee or Committees, or in Cases of any Bodies Politic, Corporate, or Collegiate, 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 *New Mills* and *Hayfield* Gas Light 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 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 .'

Appointment of Committee of Management.

XXXI. And be it further enacted, That at the First General Meeting of the said Company to be held next after the passing of this Act, or at some Adjournment thereof, and also at the General Annual Meeting to be held in every subsequent Year, a Committee for managing the Affairs and Business of the said Company shall be elected out of the Proprietors of Shares of and in the Capital or Joint Stock of the said Company, and such Committee shall consist of Three such Proprietors, and when elected they shall be a Committee of Management of the Affairs and Business of the said Company, and shall continue in Office for One Year, or until others shall be chosen in their Stead, as herein-after mentioned.

Qualification of Committee-men.

XXXII. Provided always, and be it further enacted, That if any Person who shall be elected a Member of the said Committee shall hold any Place or Office of Profit under the said Company, or shall either directly or

indirectly offer to take and succeed in taking any Contract, or shall participate in any Manner in any Work to be done for the said Company, every such Person shall be disqualified from interfering and voting in any Matter to be discussed and argued by the said Committee; or shall refuse or neglect, unless prevented by Illness or Absence from Home, to attend any Five successive Meetings of the said Committee after receiving, by Post or otherwise, from the Clerk of the said Company Notice in Writing of such successive Meetings (which Notice the said Clerk is hereby directed and required to give or send,) every such Proprietor shall thereupon cease to act or vote at such Committee, and shall cease to be a Member thereof; and thereupon in any such Case, 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 some other Proprietor, who shall be duly qualified, in the Stead of such Person so disqualified or ceasing to be a Member of the said Committee, or dying as aforesaid; 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.

Proceedings for removing Committee for Mismanagement.

XXXIII. And be it further enacted, That in case any Four or more of the said Proprietors, being collectively possessed of or entitled to Fifty or more Shares in the said Undertaking, shall think that there is Reason to complain of the Conduct of the Committee of Management for the Time being, or of any Member or Members thereof elected as aforesaid, and shall call a Special Meeting of the said Company, it shall be lawful for the said Company to remove all or any of the said Members elected as aforesaid of the Committee of Management, and by Ballot to elect other Persons duly qualified to be Committee-men in their Stead; and the Committee for the Time being shall produce their Accounts and report their Proceedings at such Special Meeting, if required by the Notice calling or convening the same: Provided, that if at any such Special Meeting there shall not be Persons present before Two of the Clock in the Afternoon, either as Principals or Proxies, who shall be possessed of or entitled unto at least Fifty Shares in the said Undertaking, the Powers hereby given unto the said Company to remove all or any of the Committee, and to elect others in their Stead, on account of any Complaint against the Conduct of such Committee or either of them, shall not be exercised, but the Meeting shall stand adjourned for that particular Purpose to the same Place that Day Seven-night, and so from Time to Time until there shall be Persons present, either as Principals or Proxies, who shall be possessed of Fifty Shares as aforesaid.

Power to vary the Number of Committee.

XXXIV. Provided always, and be it further enacted, That it shall be lawful for the said Company, at any General Meeting or Special General Meeting thereof, from Time to Time to increase or decrease and vary, as to the said Company shall seem meet, the Number of the Persons to be chosen or elected Members of the said Committee; but no Proposal for such Variation shall be made at any Meeting of the said Company until Notice of the Intention to propose such Variation shall have been given.

General Meetings may appoint a Treasurer and Clerk.

XXXV. And be it further enacted, That the said Company shall, at their First General Meeting or at some Adjournment thereof, elect and choose a Treasurer or Treasurers to the said Company, and also a Clerk or Clerks for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General Meeting or Special General Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer or Treasurers and Clerk or Clerks, or any or either of them, or any other Person or Persons who shall be hereafter elected and appointed to their respective Offices, and from Time to Time to elect, choose, and appoint in manner aforesaid any other Person or Persons to act as Treasurer or Treasurers or Clerk of the said Company in the Room of such of the said Officers who shall be removed from their respective Offices; and whenever any such Treasurer or Clerk shall die or resign, become incapable of acting, refuse to act, or otherwise quit the Service of the said Company, it shall be lawful for the Committee for the Time being of the said Company from Time to Time to appoint some other Person or Persons in the Place of the Treasurer, or Treasurers, or Clerk or Clerks, so dying, resigning, becoming incapable of acting, refusing to act, or otherwise quitting the Service of the said Company, until the next General Meeting or Special General Meeting of the said Company, when such Appointment of Treasurer or Treasurers, or Clerk or Clerks, shall be affirmed under the Common Seal of the said Company, or some other Treasurer or Treasurers, or Clerk or Clerks, shall be elected and appointed as aforesaid; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or any of them as at any such General 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 or Persons who shall be appointed Treasurer or Treasurers of the said Company for the faithful Execution of his or their Office, before he or they shall enter thereupon.

Treasurer to give Security.

Clerk and Treasurer not to be the same Person.

XXXVI. 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 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 of 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 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, 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 this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or upon the Case.

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

XXXVII. And be it further enacted, That no Sum or Sums of Money shall be issued by the Treasurer or Treasurers, or other Officer or Officers to be appointed by the said Company, on account of the said Company, without an Order or Orders 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 or Orders in Writing signed by the Chairman of any Meeting of the Committee for the Time being, or by any Two or more Members of the said Committee; and the Receipt or Receipts of such Treasurer or Treasurers for all Monies payable to the said Company shall be effectual Discharges for the same.

Officers to render Accounts when required.

XXXVIII. And be it further enacted, That all such Officers appointed by the said Company or the Committee of Management shall from Time to Time, when thereunto required, deliver to the said Company or to such Committee, or to such Person or Persons as the said Company or such Committee 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 this Act, 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 the said Committee, or to such Person or Persons as the said Company or the said Committee 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 manner aforesaid, or shall refuse or neglect to pay the Money due on such Accounts, or if any such Officer shall refuse or neglect to deliver up to the said Company or such Committee, 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 Two or more of His Majesty's Justices of the Peace for the said County of *Derby*, upon Complaint made before him or them by or on behalf of the said Company or Committee, and any such Justices are hereby required, to summon such Officer or Officers to appear before them, and upon his or their appearing, or not being to 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 Oaths, Affirmation or Affirmations (as the Case may require) of any Witness or Witnesses (which Oath or Affirmation such Justices are hereby empowered and required to administer and take), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Money which shall have been collected or received shall be in the Hands of such Officer, such Justices may and are hereby authorized and required, on Nonpayment thereof, by a Warrant or Warrants under their Hands

and

and Seals, 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 and selling the same, or if such Officer shall not appear before the said Justices 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 Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to such Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in any or either of the Cases aforesaid such Justices may and they are hereby authorized and required, by a Warrant under their Hands and Seals, to commit such Officer to the Common Gaol or House of Correction for the said County of *Derby*, there to remain without Bail or Mainprize, in case he or she should be committed for Nonpayment of any Money received by him or her in his or her Hands, until he or she shall have accounted for and paid the full Amount thereof, or compounded with the said Committee and paid such Composition in such Manner as the said Committee shall appoint, (which Composition the said Committee are hereby empowered to make,) or in case he or she shall be committed for not delivering any Accounts, Books, Papers, or Writings as aforesaid, until he or she shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Company or Committee; provided that no Person who shall be so committed for Want of sufficient Distress only shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Executors or Administrators of deceased Officers to account.

XXXIX. And be it further enacted, That in case of the Death of any Officer of the said Company before he or she shall have paid and fully satisfied all the Monies which he or she shall have received by virtue of this Act, or made such Composition for the same as aforesaid, then and in every such Case the Executors or Administrators of such Officer so dying shall pay and satisfy the same, out of the Estate and Effects of such Officer, unto the said Company or Committee, or any Person appointed by them in that Behalf, in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and also shall deliver up all Books, Papers, Writings, and other Things concerning his or her Office, or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators, who shall and may plead such Payments in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Nondelivery of such Books, Papers, Writings, and Things, for the Space of Fourteen Days after Demand made thereof in Writing by or on behalf of the said Company or Committee, it shall be lawful for the said Company or Committee to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators, for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Books, Papers, Writings, and Things, in which Action or Actions full Costs of Suit shall be recoverable by the said Company or Committee.

XL. Pro-

Not to prejudice Remedies against Sureties of Officers.

XL. Provided always nevertheless, and be it further enacted, That nothing herein contained, or any thing to be done by virtue hereof, shall extend or be construed to extend to deprive the said Company of any Action or Actions, Suit or Suits, against the Surety or Sureties 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 or her Surety or Sureties, touching any thing to be done under or in pursuance of this Act.

Meetings of Committee.

XLI. And be it further enacted, That the Committee of Management, or any Two or more of them, shall hold their Meetings at such Time and Place within the Limits of this Act as they shall from Time to Time think proper and appoint, and shall choose from among themselves a Chairman of the Meeting of the said Committee; and if it shall so happen that at any Meeting of the said Committee the Chairman so to be chosen as aforesaid shall not attend, then 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 at any of their said Meetings shall be decided and determined by a Majority in Number of the Members present (the Number present not being less than Two); 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 decisive and casting Vote; and if on the Day appointed for any Meeting of the said Committee Two 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 Member of the Committee may at any Time when he shall think fit call a Meeting of the Committee by a Notice in Writing signed by such Member, 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 independent of any Meeting appointed by Adjournment.

Chairman to have the casting Vote besides his own Vote

Any Member of the Committee may call a Meeting.

Powers of Committee, &c.

XLII. And be it further enacted, That the Committee for the Time being shall have the Custody of the Common Seal of the said Company, and 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 within the Limits of this Act of holding such General Meetings and Special General Meetings, and to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out or disposed of, for the Purposes of the said Company, as in contracting for and purchasing Lands, Tenements, or Hereditaments, Materials, Goods, and Chattels, for the Use of

of the said Undertaking, and to enter into Agreements or Contracts for supplying with Gas all or any of the said Roads, Streets, Ways, Lanes, and other public Passages and Places, and all or any Bridges, Shops, Inns, Manufactories, Warehouses, private Houses, Places of Worship, Buildings, or other public or private Places within the Limits of this Act, and all Persons whomsoever, and in nominating, electing, appointing, placing, or displacing any Officer, Agent, Tradesman, or Servant of the said Company (not being a Treasurer or Clerk of the said Company, who are to be elected and appointed at a General Meeting or Special General Meeting of the Company, as herein-before mentioned, and not by the said Committee, except for a temporary Purpose, as is herein-before mentioned,) and with such Salaries, Gratuities, or other Recompence as to the said Committee shall seem proper, and in ordering, directing, and employing the said Works and Workmen, and in selling and disposing of all Articles produced as aforesaid in the manufacturing of such 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 Resolution or Resolutions of the said Company in Restraint, Control, or Regulation of the Powers and Authorities by this Act granted, and to all which Resolutions, not being contrary to any express Provisions or Directions in this Act, the said Committee shall pay due Obedience; and the said Committee may require and take such Security from any Officer or Officers (not being a Treasurer or Clerk of the said Company) or other Persons, for the faithful Execution of their respective Offices or Duties, as they may think reasonable.

Committee not to be personally liable.

XLIII. And be it further enacted, That no Member of the Committee of Management for the Time being shall be personally answerable for the Performance of any Contract or Agreement into which he shall or may have entered as one of such Committee upon behalf of such Company, but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Committee 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.

Books to be kept, and Orders, &c. *to be entered* by the Clerk.

XLIV. And be it further enacted, That Books shall be provided and kept by the said Company for the Purpose of entering therein all Orders and Proceedings of the said Company and of the Committee of Management made at the respective Meetings of the said Company and Committee; and the Names and Designations of the Subscribers to the said Undertaking, and of all Holders of Shares therein, and the Number 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 Book shall be kept by the Clerk of the said Company (subject to the Orders of the Company and the Committee of Management), and the Clerk of the said Company, or other Person appointed by the said Company or Committee for that Purpose, shall make fair and regular Entries thereof in such Books accordingly, and such Entries in such Books shall be signed by the Chairman for the Time being of each respective Meeting, or, for the Purposes of Adjournment only, by the Clerk of the said Company; and the Orders

and Proceedings of the said Company, so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and such Books and the several Entries therein so signed as aforesaid shall be admitted in Evidence before all Judges, Justices, and others, and in all Courts and Places whatsoever; and any Person interested shall at all reasonable Times be allowed to inspect such Books and Entries without Fee or Reward.

Calls to be made.

XLV. 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, or the Committee of Management for the Time being, 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, their Executors, Administrators, Successors, or Assigns, as the said Company or Committee 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 Four Pounds upon each Share of Twenty Pounds, and so that no Call or Calls shall be made but at the Interval of Two Calendar Months at least from each other, and so that Seven Days Notice at the least shall be given of every such Call as aforesaid by Letters sent by Post as aforesaid, addressed to each Proprietor at his or her Residence, or left for him or her there as aforesaid; and the respective Proprietors shall pay their entire Proportions of the several Sums of Money which shall be so called for into the Hands of the Treasurer or Treasurers of the said Company for the Time being, at such Times and Places as shall from Time to Time be appointed by the said Company or Committee in such Notices or Letters.

Shares to be forfeited and sold on Non-payment of Calls.

XLVI. And be it further enacted, That if any Subscriber to or Proprietor of any Share or Shares in the said Undertaking, his, her, or their Executors, Administrators, Successors, or Assigns, shall refuse or neglect to pay his, her, or their Proportion of the Money so called for as aforesaid during the Space of One Calendar Month next after the Time appointed for Payment thereof, with lawful Interest for the same from such appointed Time of Payment, then and in every such Case such Person or Persons so refusing or neglecting shall (whether the same shall have been sued for in any Court of Law or Equity or not) absolutely forfeit all his, her, or their Share or Shares in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, 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 for the same, 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 Chairman of the said Company, or by Two of the Committee for the Time being, or by the Clerk of the said Company, to the Proprietor or Proprietors thereof, or left at his, her, or their last or usual Place of Abode, if he, she, or they reside within the Limits of this Act, and if not, then by Letter sent by Post, nor unless the same Share or Shares shall be declared to be forfeited at some General Meeting or Special General Meeting of the said Proprietors held not sooner than One Calendar Month next after the Day in

which

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 and for the Proprietor or Proprietors who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, Successors, and Assigns, against all Actions, Suits, and Proceedings whatsoever at Law or in Equity for any Breach of Contract between such Proprietor or Proprietors so forfeiting and the said Company, 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 or Purchasers there of by the said Company or Committee under the Common Seal of the said Company, and the Name or Names of the Purchaser or Purchasers shall be registered in the Books of the Company, and such Purchaser or Purchasers shall be subject to all the same Liabilities as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking, and to all the Rules and Directions of this Act; and thereupon the Proprietor or Proprietors of such Shares so sold and transferred shall be and be deemed a Member or Members of the said Company to all Intents and Purposes whatsoever, and shall be entitled to all the same Privileges and Advantages as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking.

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.

XLVII. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares as aforesaid shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and legal Interest thereon, and the Expences attending the preparing and serving of such Notice or Notices, and of the Sale or Sales thereof, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company or the Committee of Management shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters 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 said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Executors, &c. of deceased Persons to be indemnified on paying Calls.

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

Assets or Effects of any such deceased Subscriber or Proprietor, in a due Course of Administration, any Money which shall be duly called for in respect of such Share or Shares as aforesaid.

General Meetings to examine Accounts, and declare Dividends.

XLIX. 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 General Meeting which shall be held on the First *Friday* after the First Day of *July* in each Year, or within Ten Days next after, or some Adjournment thereof, a Dividend or Dividends shall be made out of the Interests, Profits, or Advantages of the said Undertaking (unless such Meeting shall declare otherwise), and such Dividend or Dividends shall be at and after the Rate of such a Sum *per Centum* upon or for any Share 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 or Treasurers 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 Share or Shares until all Calls for Money then made in respect thereof by virtue of this Act shall have been paid.

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

L. And be it further enacted, That it shall be lawful for the said Company, and they are hereby fully authorized and empowered, from Time to Time to make, erect, and fix, or cause to be made, erected, and fixed, such Retorts, Gasometers, Receivers, Cisterns, Engines, Machines, and other Erections, Buildings, and Works, upon any of the Lands, Tenements, or Hereditaments which the said Company may purchase under the Powers or Provisions of this Act, in such Manner as the Company shall think necessary or proper for lighting with Gas the Streets, Roads, Ways, Lanes, Bridges, and other public Passages and Places within the Limits of this Act, and any Manufactories, Warehouses, Shops, Inns, Taverns, private Houses, and other Buildings and Premises therein, and for carrying the Powers or Provisions of this Act into execution; and for such Purposes also from Time to Time (in a careful and workmanlike Manner, and doing as little Damage as may be,) to break up the Pitchings and Pavement 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 of them, 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 such 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 which the said Gas Company may at any Time hereafter make, or on or along, or over, aside, or under, any Bridge or Bridges as 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 Pipe so 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 Main or other Pipes; and to erect and set up any Machine or Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged, in such Dwelling House or Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things as the said Company 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 Act into execution, 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 Twenty Inches beneath the Pavement, except in passing over Bridges or Vaults: Provided always, that it shall not be lawful for the said Company, or any Body or Bodies, or Person or Persons whomsoever, manufacturing or supplying any Gas within the Limits of this Act, to lay or place any Gas Pipe in any public Sewer within the Limits of this Act.

Private Lands or Premises not to be entered without Consent; nor Pipes carried or continued on private Property without Consent.

LI. Provided always, and be it further enacted, That it shall not be lawful for the said Company, or their Officers or Servants, to enter into or upon any private Lands or Grounds for the Purpose of breaking the Soil, or laying or placing any such Pipes or Works as aforesaid, without the Consent in Writing of the Owner or Owners and Occupier or Occupiers thereof first had and obtained for the Purpose: Provided also, that nothing in this Act contained shall authorize or empower the said Company to carry or lay any Pipe or Pipes through, into, or against any Dwelling House or Houses, Manufactory, public or private Buildings or Yards, or any adjoining Premises occupied therewith, or so to continue the same, without the Consent of the Owner or Owners and Occupier or Occupiers for the Time being of every such Dwelling House or Houses, Manufactory, public or private Buildings, Yards, or Premises.

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

LII. And be it further enacted, That it shall not be lawful for the said Company to break or take up or disturb any of the Pavements or Ground in any Road, Street, Way, Lane, or other public Passage or Place, for the Purpose of laying down or repairing any Main Pipe or Pipes (except in Cases where it may be necessary so to do under any special Direction or Provision in this Act), or of altering the Position of any such Main Pipe or Pipes (Cases of Emergency excepted), unless Notice in Writing of their Intention to break or take up such Pavements or Ground, signed by the Clerk or some other Agent or Servant to the said Company, specifying the Road, Street, Way, Lane, or other public Passage or Place intended to be broken up or taken up, shall have been given to the Clerk

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of such Body or Bodies, Trustees or Commissioners or Persons, or their Surveyor or Surveyors, or other Officers or Agents, or shall have been left for him or them at his or their Dwelling House or last Place of Abode for the Space of Twenty-four Hours at the least before such Pavements or Ground, or any Part thereof, shall be so broken or taken up (except in Cases of Emergency, when such Notice shall be given as soon as possible after such Pavements or Ground, or any Part thereof, shall be broken or taken up); and if the said Company shall break or take up or disturb, or cause to be broken or taken up or disturbed, any such Pavements or Ground without such Notice being given or left as aforesaid (except as aforesaid), then and in every such Case the said Company shall forfeit and pay to the Body or Bodies, Trustees or Commissioners, Surveyors or other Persons having the Control of the Pavements or Road, Ground or Soil, which shall be so broken or taken up or disturbed, any Sum of Money not exceeding Forty Shillings for every such Offence; the Amount of such Penalty to be adjudged, recovered, and levied in such Manner as other Penalties and Forfeitures by this Act imposed are directed to be recovered and levied.

Liberty to proceed without Direction of Commissioners after Notice.

LIII. Provided always, and be it further enacted, That in case such Body or Bodies, Trustees, Commissioners, or Persons, or their Surveyor or Surveyors, or other Officers or Agents, shall refuse or neglect to inspect or superintend any of the Works herein-before authorized to be executed under their Inspection and Superintendence as aforesaid, after being thereunto required by Notice in Writing from the Clerk or any Engineer of the said Company given to or left at the Office of the Clerk of such Body or Bodies, Trustees or Commissioners or Persons, at least Twenty-four Hours before any such Work shall be commenced, then the said Company are hereby fully authorized to do and perform the Works specified in such Notice without the Inspection of such Body or Bodies, Trustees or Commissioners or Persons, or their Surveyors, or other Officers or Agents.

Position of Pipes in private Grounds may be altered if Owners and Occupiers desire it.

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

LV. Pro-

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

LV. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be fixed, carried, or laid from any Main or Pipe of the said Company into or through or against any Dwelling House or Houses or other Buildings, for the Purpose of lighting the same or any other Dwelling House or Houses or other Buildings, in pursuance of this Act, and the Owner or Owners or Occupier or Occupiers of any such Dwelling House or Houses or other Buildings into, 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 his, her, or their 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 or Parties requiring the same, within Ten Days after Receipt of such Notice, alter or remove and take away all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon, from any such Main or Pipe of the said Company as aforesaid; and in default thereof it shall and may be lawful to and for such Owner or Owners or Occupier or Occupiers, or any other Person or Persons acting under his, her, or their 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.

LVI. Provided always, and be it further enacted, That in all Cases where it shall not have been otherwise stipulated by an Agreement in Writing the said Company shall, at their own Expence, on the Expiration or Determination of the Tenancy or Tenancies of any Occupier or Occupiers whose Dwelling House or Houses, Manufactories, public or private Buildings or Yards, shall be supplied with Gas in pursuance of this Act, or of any Occupier or Occupiers who shall have given such Consent as aforesaid, or within Ten Days next after the Expiration or Determination of such Tenancy or Tenancies, upon receiving Two Days Notice in Writing for that Purpose for and on behalf of the Owner or Owners or the succeeding Occupier or Occupiers of any such Dwelling House or Houses, Manufactories, public or private Buildings or Yards as aforesaid, to remove, take, and carry away, or cause to be removed, taken, and carried away, any Pipe or Pipes, Cocks or Branches, from any Main or other Pipes, which shall have been introduced or laid by the said Company through, into, or against any such Dwelling House or Houses, Manufactories, public or private Buildings or Yards as aforesaid, pursuant to the Power for that Purpose in this Act contained, and shall repair and make good any such Dwelling House or Houses, Manufactories, public or private Buildings or Yards, 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 Owners, or such new or succeeding Occupier or Occupiers (as the Case may require), or any other Person or Persons acting under his, her, or their respective Authority, to cause such Pipes, Cocks, and Branches to be removed, taken, and carried away, (without being thereby subjected to any Penalty or Penalties or Costs for thereby unavoidably damaging the Works of the said Company,) and the Dwelling House or Houses, Manufactories, public or private Buildings or Yards, where the same shall have been introduced or placed, to be repaired; and the reasonable Costs and Charges for so doing the same shall be immediately paid by the said Company or their Treasurer for the Time being to such Owner or Owners, Occupier or Occupiers, as the Case may require; and if such

reasonable Costs and Charges be not paid within Twenty Days next after Demand shall be made by such Owner or Owners, Occupier or Occupiers, (Proof of such Demand being made by the Oath or Affirmation, as the Case may require, of a credible Witness before One or more Justice or Justices of the Peace for the said County of *Derby*,) all such reasonable Costs and Charges shall and may be levied and recovered by such Owner or Owners, Occupier or Occupiers, as the Case may require, by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace as aforesaid, which Warrant such Justice or Justices aforesaid is and are hereby empowered to grant.

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

LVII. 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, Bridges, 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 or Manufactories, Bridges, Grounds, or Premises, in the Daytime, 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, Manufactories, Bridges, Grounds, or Premises where such Pipe or Apparatus shall have been so introduced, laid, or placed.

Pavement to be made good where Pipes are laid.

LVIII. Provided always, and be it further enacted, That the Workmen employed in laying, taking up, or repairing any Mains, Pipes, Plugs, Cocks, Drain-boxes, Syphons, or Branches for the Purpose of this Act shall do as little Damage as may be as aforesaid, and shall immediately thereafter fill up the Trenches, and make good the Pavement, Pitching, and Surface of such Footways and Carriageways, Soil, Ground, and Roads, and carry away the Rubbish occasioned thereby, and repair any Damage arising from the making of any Drains, Sewers, or Cuts which may be made for carrying off any Washings or waste Liquids, without any Delay, and shall in the meantime fence or guard the Place or Places where any Ground shall be opened, and place and set up a sufficient Number of Lights during the Night, in such Manner as to prevent Accidents or Inconvenience to Passengers, Cattle, and Carriages; and if there shall be any wilful or negligent Delay in the said Company, or in any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling up any such Trenches, or removing Rubbish, or making good any such Pavement, Pitching, Soil, Ground, or Roads, or in repairing any Damage arising as aforesaid, or in fencing or guarding the Ground which shall be opened, or in placing and setting up such Lights during the Night, so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case it shall be lawful for any Owner or Occupier of the Ground, or for the Commissioners, Trustees, Surveyors, or other Person or Persons under whose Jurisdiction, Care, or Management such Ground, Pavements, or Roads may be for the Time being, or any Person or Persons acting by or under the Authority of any such Owners, Occupiers, Commissioners, Trustees, Surveyors, or other Persons respectively, to fill up and reinstate or

make good such Pitching, Pavements, Ground, or Roads, and remove such Rubbish, and to repair and make good any Damage arising as aforesaid, and in the meantime to fence and guard the Place or Places where any Ground shall be so opened as aforesaid, and to place and set up a sufficient Number of Lights during the Night as to them respectively shall seem necessary; and the reasonable Costs and Charges thereof shall be repaid, on Demand, by the said Company or their Treasurer to the Person or Persons so reinstating the same and doing such other Acts as aforesaid; and in default of Payment thereof for Twenty Days next after Demand shall be made by such Owners, Occupiers, Commissioners, Trustees, Surveyors, or other Person or Persons aforesaid, (Proof of such Demand being made upon Oath or Affirmation, as the Case may require, of One credible Witness before One or more Justice or Justices of the Peace,) all such reasonable Costs and Charges, together with any Sum not exceeding Twenty Pounds by way of Penalty, shall and may be levied and recovered by such Owners, Occupiers, Commissioners, Trustees, Surveyors, or other the Person or Persons aforesaid, by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace aforesaid, which Warrant such Justice or Justices is and are hereby empowered to grant.

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

LIX. Provided always, and be it further enacted, That the said Company, or their Servants, Agents, Workmen, or others, shall not, by any Work to be done by virtue of this Act, damage or injure any public Sewer or Drain within the 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 all and every such Damage or Injury; and on 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 the 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, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace, and which Warrant such Justice or Justices is or are 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 His Majesty's Courts of Record at *Westminster*, with full Costs of Suit.

Company or Committee may contract for lighting any public or private Place with Gas.

LX. And be it further enacted, That it shall be lawful for the said Company or their Committee of Management to enter into or make any Contract or Contracts or Agreements with any Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate, or Commissioners or Trustees or Surveyors, or any other Person or Persons whomsoever, for lighting with Gas the said Towns and Villages or the Neighbourhoods thereof, or any of the Streets, Roads, Ways, Lanes, Bridges, and other public Passages and Places within the said Limits, and also with any Churchwardens, Overseers, Chapelwardens, or other Person or Persons whomsoever having the Management or Direction of any Churches, Chapels, Workhouses, or other Buildings within the said Limits, for lighting the same with Gas, and also with any Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers of any Manufactories, Warehouses, Shops, Inns, Taverns, private Houses, and other Buildings or Premises

Premises within the said Limits, for lighting or supplying with Gas any of such Manufactories, Warehouses, Shops, Inns, Taverns, private Houses, Buildings, or Premises, upon such Terms, and subject to such Conditions, and for such Rents, Payments, or Sums of Money as shall be agreed upon by the said Company and the respective Parties and Persons desirous of being supplied with Gas; and every Contract and Agreement made or entered into in pursuance of this Act shall be binding and conclusive upon and against the respective Parties thereto; any Law or Statute, Matter or Thing, to the contrary notwithstanding.

Gas to be supplied cheaper than Oil.

LXI. Provided always, and be it further enacted, That in case the said Company shall lay a Main Pipe in any of the Roads, Streets, Ways, Lanes, or other public Passages or Places within the Limits of this Act, the said Company shall and they are hereby directed and required to contract with any Person or Persons, Body or Bodies Politic or Corporate, duly empowered to make such Contract, for lighting any of the public Lamps in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, where and so far as the said Pipes shall be laid, if the said Person or Persons, Body or Bodies Politic or Corporate, shall require them so to do; and the said Company shall and they are hereby directed and required to supply, at a fair and reasonable Price, such public Lamps which they shall so contract to light with Gas of such Quality as shall at all Times afford a better and cheaper Light, in proportion to the Quality and Intensity thereof, than could be obtained from Oil Lamps.

Recovery of Rent.

LXII. And be it further enacted, That if any Body or Bodies, Trustees, Commissioners, Surveyors, or other Person or Persons who shall contract with the said Company as aforesaid, or who shall agree to take, or shall use or enjoy the Benefit of the said Gas, either in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, Grounds or Premises, or otherwise, shall refuse or neglect for the Space of Fourteen Days next after Demand made thereof to pay the Rent or Rents or Sum or Sums then due for the same to the said Company, or to the Person or Persons authorized to receive the same, according to the Terms and Stipulations between the said respective Parties and the said Company, then and in every and any such Case such Rent or Rents or Sum or Sums of Money, and any Part thereof, shall be recoverable, and shall and may be recovered by the said Company, or by the Person or Persons authorized and appointed to collect and receive the same Rent or Rents, or Sum or Sums of Money, together with Costs, by Distress and Sale of the Goods and Chattels of the Person or Persons refusing or neglecting to pay the same or any Part thereof, wherever such Goods and Chattels may be found, in the same Manner as Rents in arrear upon common Demises may by Law be recovered; or the same, with Costs of Suit, may be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case; and it shall also be lawful for the said Company to cut off and take away the Supply of Gas from the House or Houses, Shops, Inns, Taverns, or other Buildings or Manufactories, Grounds or Premises, of every such Person or Party so making default in payment of such Sum or Sums of Money then due by him, her, or them to the said Company for the Space of Fourteen Days after such Demand as aforesaid, and thenceforth to discontinue the Supply of Gas contracted for with the said Company by such Person or Party: Provided nevertheless, that such

Distress

Distress or Distresses shall not be repleviable; but in case any Dispute or Difference shall arise respecting the same, such Dispute or Difference shall or may be settled by any Justice or Justices of the Peace for the said County of *Derby*, who is and are hereby authorized and required to hear and determine the same in a summary Way within Five Days from the Time of seizing or levying such Distress or Distresses, and that the Order of such Justice or Justices so made shall be final and conclusive.

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

LXIII. And be it further enacted, That it shall not be lawful for any Person to lay or cause to be laid any Iron, Lead, or other Pipe to communicate with any Pipe belonging to the said Company; and it shall not be lawful for any Person to use any Burners of larger Dimensions, or more in Number, or in any other Manner, than he, she, or they shall respectively contract to pay for; and it shall not be lawful for any Person supplied with Gas by the said Company to supply any other Person whomsoever with any Part of such Gas; and every Person offending in any such Case shall forfeit and pay to the said Company the Sum of Ten Pounds, and also the further Sum of Ten Shillings a Day for every Day any such Pipe of Communication shall remain laid as aforesaid, or any such Burners be continued, or Excess committed, or any such undue Supply be furnished, to be recovered as herein-after provided.

Penalty on wilfully damaging Pipes, &c.

LXIV. And be it further enacted, That if any Person shall wilfully destroy, damage, or injure, or cause to be destroyed, damaged, or injured, any Pipe, Pedestal, Post, Plug, Lamp, or other Apparatus, Matter, or Thing, or any Part thereof respectively, belonging to the said Company, or shall wilfully extinguish or put out any One or more of the public Lamps or Lights, or wilfully waste or improperly use any of the Inflammable Air or Gas supplied by the said Company, or shall alter, change, or remove the Burners from the Pipes of Supply, or shall wilfully or negligently do or commit, or cause to be done or committed, any Injury or Damage to the Main Pipes or Service Pipes of the said Company, every Person so offending in any of the respective Premises, and being thereof convicted on the Oath or Affirmation (as the Case may require) of One credible Witness before One or more Justice or Justices of the Peace, shall for each and every separate Act and Offence forfeit and pay to the said Company any Sum not exceeding Ten Pounds, and the Amount of the Damage done or occasioned, as the same shall be ascertained by such Justice or Justices, such Penalty and Damage, together with reasonable Costs, to be recovered as herein-after provided.

Satisfaction for accidental Damages of Lamps, &c.

LXV. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, destroy, throw down, damage, or injure any Lamp or Lamps hung out or set up by or belonging to the said Company, or hung out or set up by any Party or Person or Persons at his, her, or their private Expence, or any Pipe, Pedestal, Post, Plug, or other Apparatus, Matter, or Thing, set up, placed, or used with any such Lamp or Lamps, or for the Conveyance or Supply of Gas Light, belonging to the said Company, or belonging to any other Party or Person or Persons whomsoever, or if any Person or Persons shall 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, and shall not, upon Demand by the said Company, or their Committee or

their Clerk, or other Person or Persons authorized by them, make Satisfaction for the Damage done, or the Excess of Gas obtained and used, or keeping the Lights burning longer than they shall have contracted for as aforesaid, then and in every such Case it shall be lawful for any One or more Justice or Justices of the Peace for the County in which the said Offence shall have been committed, and he or they is and are hereby empowered and required, upon Complaint to him or them made, to summon before him or them the Party or Parties against whom 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 said Company, or to such other Person or Persons (as the Case may be and require), for such Damage or Excess, as such Justice or 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 or any One of them, and he and they is and are hereby required, to cause the same to be raised and levied in such and the like Manner as any Fine, Penalty, or Forfeiture is by this Act directed to be raised and levied.

Penalty for interrupting Company's Workmen.

LXVI. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Company or the Committee of Management, or their Officers, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works, or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure such Interruption or Hindrance to take place, and shall be thereof convicted before One or more Justice or Justices of the Peace for the County in which the said Offence shall have been committed, either on Evidence or on Confession, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum to be adjudged by such Justice or Justices not exceeding Five Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption; and such Sum so adjudged as Penalty and Damages shall be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered, or the said Company may, at their own Option, sue for Damages sustained by them for such Hindrance or Interruption.

Penalty for suffering Washings to drain into Rivers, Wells, &c.

LXVII. 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 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

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 or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been sued for or recovered or not), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or Running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Body or Bodies Politic, Corporate, or Collegiate, 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 or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company, 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 or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

For stopping the Escape of Gas.

LXVIII. 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 from any Person or Persons whomsoever of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not, within Twenty-four Hours next after such Notice by Parol or in Writing as

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 of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way on the Oath or Affirmation (as the Case may require) of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the County in which the said Offence shall have been committed, 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 any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

For the Protection of Water Pipes.

LXIX. 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 Purposes of conveying Water into or about the said Towns or Villages, 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, Manufactory, public or private Building, supplied by such Branch or Service Pipe, as the Case may be; and on every such Occasion the said Company, their Servants, Agents, and Workmen, shall, under the Direction and Inspection of such Proprietors or Persons or Occupiers, or their, his, or her Surveyor or Agent, as the Case may be, protect and secure such Pipe or Pipes from any Injury or Damage, and shall also repair and make good any Damage that shall and may be done to any such Water Pipe or Pipes on any such Occasion; and on Default being made in any of the Matters aforesaid the said Company shall forfeit and pay to such Proprietors or Persons or Occupiers, as the Case may be, any Sum not exceeding Five Pounds, and shall also pay to such Proprietors or Persons or Occupiers, as the Case may be, the Costs and Expences which shall have been incurred by them, him, or her in the securing and protecting, or in repairing and making good any Injury or Damage that 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 in which the said Offence or Neglect shall have been committed, and to be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for such last-mentioned County, and which Warrant such Justice or Justices is and are hereby empowered to grant.

LXX. And

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

LXX. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any 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 Water 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 over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith 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 Part of the said Water Pipes than Four Feet at least; and in laying down any such Gas Pipes or Conduits no Two or more of such Gas Pipes or Conduits 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, the Sum of Ten Pounds, to be recovered, with Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*.

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

LXXI. 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 Party 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 any 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 next 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 effectually 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 Waterworks, 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 of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath (or Affirmation, as the Case may require,) of One credible Witness, or of the Person or Persons consuming any such Water and making such Complaint as aforesaid against the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, before any Justice of the Peace for the County in which any such Neglect or Offence shall occur or be committed, 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 as aforesaid.

For ascertaining if the Water be contaminated.

LXXII. 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 manufacturing 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 proceed 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 as 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 or Place 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 in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said 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 shall make good to the said Company, or to 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 up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice or Justices of the Peace as aforesaid, and recoverable in like Manner as any Penalty may be recovered by virtue of this Act.

For preventing Nuisances.

LXXIII. And be it further enacted, That when any Body or Bodies Politic or Corporate, or Inhabitant Householder, within the Limits of this Act, or any other Person or Persons whomsoever, shall be aggrieved by any public or private Nuisance to be committed by the said Company, or any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or any of the Means which shall be employed by them in manufacturing the said Gas and using the same, or in furnishing such Light as aforesaid, or from any other Cause whatsoever connected with the said Works, and shall give Notice in Writing to the said Company, to be left at the usual Office or Place of transacting Business of the said Company, of the Existence of any such public or private Nuisance, the said Company shall at their own Expence cause the most speedy and effectual Measures to be taken to remove and abate such public or private Nuisance from continuing; and in case the said Company shall not proceed, within Twenty-four Hours next after each and every such Notice in Writing being given as aforesaid of any such public or private Nuisance, to remove and shall not abate the same to the Satisfaction of any Justice of the Peace for the County in which the said Nuisance or Nuisances shall arise or exist, then and in every such Case the said Company shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds for each and every Day during which such public or private Nuisance shall be permitted or suffered to exist after the Expiration of Twenty-four Hours from the Time of receiving such Notice; and in default of Payment thereof as aforesaid the same shall and may from Time to Time, by Information on Oath, (or Affirmation, as the Case may require,) to be laid and exhibited before One or more of such last-mentioned Justice or Justices of the Peace, be recoverable and recovered by the Person or Party aggrieved, together

with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of any such Justice or Justices as aforesaid, to be granted in like Manner as herein directed touching other Penalties to be recovered from the said Company.

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

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

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

LXXV. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace as aforesaid by or before whom any Offender or Offenders shall be convicted of any such Offence or Offences, who is and 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 the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

LXXVI. 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 or Justices of the Peace it shall be lawful for any Justice of the Peace acting for the County or Counties in which any Offence or Offences against this Act shall have been committed, and to whom Complaint shall be made of any such Offence, to summon the Party complained against before him, or before any other Justice or Justices of the same County, at a Time and Place to be mentioned in such Summons, (Service of every such Summons, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his, her, or their last or most usual Place of Abode, to be deemed good Service,) 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 such Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Remedy in case of Non-payment of

LXXVII. 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

Compensation for Damages, &c.

Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk of the said Company or their Treasurer in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals on Application made to him or them for that Purpose or 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 been put unto by virtue of any such Warrant or other Proceedings as aforesaid.

Recovery of Penalties and Forfeitures.

LXXVIII. 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 County in which the Offence or Neglect in respect of which any such Penalty, Forfeiture, or Fine shall be incurred, shall have been committed or permitted; upon Proof of the Offences respectively before any such 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 Oath or Affirmation such Justice is in every Case hereby fully authorized to administer and take, and such Justice is hereby authorized to convict the Party offending; and in default of Payment of such Penalties or Forfeitures or Fines, the same shall be levied, together with the Costs attending the Information 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 such Justice (which Warrant such Justice is hereby empowered and required 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 such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be

be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than 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 to Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any Two of such Justices of the Peace as aforesaid, and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County in which such Offence or Neglect shall have been committed or permitted, 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 Overseers of the Poor of the Place where the Offence shall have been committed, to be by such Overseers applied for the Use of the Poor of the said Place, or the same may be paid and applied to such public Charity of and in the said County where the said Offence shall have been committed as the said Justice shall think proper, and the other Moiety thereof shall be paid to the Informer.

For the Conviction of Offenders.

LXXIX. 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 the Day of in the Year of our Lord to wit. is [*or* are] convicted before me [*or* us, or more, *as the Case may be*,] of His Majesty's Justices of the Peace for by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], of having [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*], contrary to the said Act, and for which Offence I [*or* we, *as the Case shall be*,] do adjudge the said to have forfeited the Sum of Given under my Hand and Seal [*or, as the Case may be,* our Hands and Seals,] the Day and Year first above written.'

Information to be lodged within Six Months.

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

Power of Appeal to General or Quarter Sessions.

LXXXI. And be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Six Calendar Months next after the Cause of Complaint shall have arisen, 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 next General or Quarter Sessions of the Peace to be holden for the County where the Cause of Complaint shall arise, or any Adjournment thereof, 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 or Persons appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such 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 Adjournment thereof, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the same County, and, if they see Cause, may mitigate any Penalty, Forfeiture, or Fine, 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.

LXXXII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace 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, her, or their Costs and Expences, or appearing shall refuse to be examined upon Oath, or, in case of a Quaker or Quakers, on solemn Affirmation, (which Oath or Affirmation such Justice or Justices is and are hereby required to administer,) and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in the same Manner as any Penalty imposed by this Act is recoverable.

Perjury in corruptly swearing.

LXXXIII. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice or Justices of the Peace or otherwise,

otherwise, under this Act, upon Oath or Affirmation, shall wilfully and corruptly give false Evidence, and shall be thereof lawfully convicted, he, she, or they so giving false Evidence shall be subject to the same 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.

LXXXIV. 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 or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto, nor a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for special Damages by an Action on the Case.

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

LXXXV. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender against this Act, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Regulations as to Actions.

LXXXVI. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Actions for any Irregularities unless Notice in Writing shall be given Fourteen Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, to the Defendant or Defendants, or his, her, or their Attorney; nor shall the Plaintiff recover in such Action or Actions if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made it shall and may be lawful to and for the said Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXXVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of or under this Act after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months from the Time of the Fact being committed; and every such Action or Actions shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall and may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall

have been brought before Fourteen Days Notice given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Expiration of the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid; then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, shall recover his, her, or their Costs, and have such Remedy for the same as any other Plaintiff or Defendant hath in other Cases by Law.

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

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

If Pipes not laid within Four Years, Power to light Hayfield to cease.

LXXXIX. Provided always, and be it further enacted, That in case the said Company shall not, within Four Years from the passing of this Act, have laid Pipes and have lighted the said Town or Village of *Hayfield* or some Part thereof with Gas, all the Powers and Authorities hereby given of laying Pipes in the Roads, Streets, Ways, Lanes, or other public Passages or Places in the said Town or Village of *Hayfield* shall cease and determine.

Expences of this Act how to be paid.

XC. 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 already subscribed or to be subscribed by virtue of this Act, in preference to all other Payments whatsoever.

Rules for Construction of certain Terms of the Act.

XCI. And be it further enacted, That wherever in this Act any Word or Words is or are used in the Singular Number or Masculine Gender only, such Word or Words shall extend to and shall be construed to include the Plural as well as the Singular Number, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

Public Act.

XCII. 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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