ANNO SECUNDO

VICTORIÆ REGINÆ.

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Cap. vi.

An Act for the better lighting and supplying the Borough of *Newark* in the County of *Nottingham*, and the Neighbourhood thereof, with Gas.

[14th *May* 1839.]

WHEREAS the Borough of *Newark* in the County of *Nottingham*, including the Liberties, Precincts, Suburbs, and Neighbourhood thereof within the several Parishes or Places of *Hawton*, *Farndon*, and *East Stoke*, all in the said County, is large and populous, and it would be of great Benefit and Advantage to the Inhabitants, and to the Public resorting to and passing through the same, if the said Borough and Neighbourhood were better lighted and supplied with Gas: And whereas in the Year One thousand eight hundred and thirty-two several Persons associated themselves to form a Company for the Purpose of undertaking to light the Streets, Roads, Lanes, public Passages and Places, Shops, Inns, private Houses, and other Buildings in *Newark* with Gas, by the Name of "The *Newark* Gas Light and Coke Company," with a Capital or Joint Stock of Five thousand Pounds in Five hundred Shares of Ten Pounds each, and such Persons, together with other Persons who have from Time to Time joined such Association, have proceeded to carry the said Undertaking into effect; and all

such Shares have been paid up, and the whole of the Sum so paid up, amounting to Five thousand Pounds, has been laid out in the purchasing of Lands, erecting Buildings and Apparatus, and providing and laying down extensive Lines of Gas Pipes, and in the Manufacture and Supply of Gas, to the great Benefit and Advantage of the Inhabitants and of the Public; and such Persons are desirous of being incorporated by Authority of Parliament for more conveniently and efficiently carrying on the said Undertaking, not only in *Newark* aforesaid, but also within the Liberties, Precincts, Suburbs, and Neighbourhood thereof within the said several Parishes or Places of *Hawton*, *Farndon*, and *East Stoke*, with Power to raise a larger Capital for extending their Works: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Hannah Asher*, *James Ashworth*, *Edward Little Bousfield*, *Catherine Maria Betts*, *John Pearson*, *George Hornbuckle Betts*, *James Bridges*, *Thomas Burgin*, *William Brown*, *Jacob Barth*, *Thomas Fowke*, *Andrew Burnaby*, *Henry Bowman Bacon* (Clerk), *William Brodhurst*, *Joseph William Branston*, *John Rimmington*, *John Etches*, *James Collins*, *William John Caparn*, *Eliza Clay*, *William Horner Caparn*, *Mary Dyson*, *John Drury*, *William Deeping*, *William Dobbs*, *Mary Fletcher*, *John Foster*, *Thomas Gillson*, *Thomas Spragging Godfrey*, *Mary Gilstrap*, *Anne Gibson*, *Richard Hardy*, *James Harvey*, *George Harvey*, *Thomas Johnson*, *Richard Jackson*, *Thomas Kirk*, *James Prior Lacy*, *William Lang*, *John Buck Lawton*, *Ann Lawton*, *Eliza Lawton*, *John Would Lee*, *James Miller*, *Reuben Moore*, *Robert Marsden Massey*, *Richard Noreton* the younger, *Benjamin Nicholson*, *William Parker*, *Elizabeth Parnell*, *Hannah Patrick*, *Susanna Reynolds*, *Charles Ridge*, *Samuel Ridge*, *George Ridge*, *Sarah Ann Rous*, *William Harvey Readett*, *Henry Robinson*, *Mary Ridge*, *John Robinson*, *James Snow*, *Joseph Sikes* (Clerk), *Joseph Simpson*, *Joseph Smith*, *John Edward Smith*, *James Thorpe* the younger, *John Thorpe*, *William Taylor*, *Godfrey Tallents*, *Benjamin Townrow*, *Barbara Tomlinson*, *Thomas Wilson* the younger, *James Wilson*, *John Wilson*, *Mary Warwick*, *William Warwick*, *Thomas Waddington*, *James Watson*, and all and every such other Person and Persons as shall or may from Time to Time, in such Manner as is herein-after mentioned, become a Proprietor or Proprietors of Shares in the Undertaking hereby established, and their respective Executors, Administrators, and Assigns, shall be and they are hereby united into a Company, and declared to be One Body Politic and Corporate, by the Name of "The *Newark* Gas Company," and by that Name shall have perpetual Succession and a Common Seal, with full Power and Authority to use the same, and by that Name shall and may sue and be sued, plead and be impleaded, at Law and in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment, Information, or Complaint for any Felony, Misdemeanor, or other Offence indictable or otherwise punishable by the Laws of this Realm.

Proprietors of Shares incorporated.

Powers to use Common Seal, &c.

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,

Coal, Oil, Tar, Pitch, or any other Materials, and of lighting and supplying with Gas the Streets, Roads, Lanes, public Passages and Places, and also the Churches, Chapels, Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, and other public and private Buildings, within the said Borough of *Newark*, and the Liberties, Precincts, Suburbs, and Neighbourhood thereof within the several Parishes or Places aforesaid, and of selling and disposing of the Coke and all other Products, Refuse, and Residuum arising or to be obtained from the Materials used in or necessary for the producing of Gas, in such Manner as the said Company shall think proper.

Power to purchase Lands.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, from Time to Time, to purchase for the Purposes of this Act, by way of absolute Sale in Fee Simple, of and from any Person or Persons whomsoever, any Messuages, Lands, Tenements, or Hereditaments within the said Borough and Parishes or Places of *Hawton*, *Farndon*, and *East Stoke*, or any of them, or any Estate, Term or Terms of Years, or other Interest therein, and also from Time to Time (in case the said Company shall, pursuant to the Provision herein-after contained, at any Time sell or dispose of such Messuages, Lands, Tenements, and Hereditaments, or of any other Messuages, Lands, Tenements, and Hereditaments, which shall be purchased under the Powers of this Act, or of any Messuages, Lands, Tenements, and Hereditaments which before the passing of this Act have been duly conveyed to the Trustees of the aforesaid Association, or any Part or Parts of any such Messuages, Land, Tenements, and Hereditaments,) again to purchase as aforesaid any other Messuages, Lands, Tenements, and Hereditaments within the said Borough and Parishes or Places aforesaid, or any of them, which the said Company or their Committee of Directors may deem to be more convenient for the Uses and Purposes of this Act; and it shall be lawful for the said Company, their Successors and Assigns, to hold all such Messuages, Lands, Tenements, and Hereditaments, and any Estate, Term and Terms for Years, and other Interest therein, as shall be so purchased, and also the Messuages, Lands, Tenements, and Hereditaments which at the Time of the passing of this Act belonged to the aforesaid Association, or have been duly conveyed to the Trustees of the said Association, without incurring or being subject to any Penalties or Forfeitures of the Statutes of Mortmain, or any other Law or Statute whatsoever: Provided always, that it shall not be lawful for the said Company to purchase or hold at any one Time a larger Quantity of Land than Five Statute Acres.

Form of Conveyance.

IV. And be it further enacted, That all Conveyances and Assurances of any Messuages, Lands, Tenements, or Hereditaments to be made to the said Company and their Successors shall be made in the Form or to the Effect following; (that is to say,)

'I [*or* We, *as the Case may be*,] of
'in consideration of Pounds paid to me [*or* us] by
'"The *Newark* Gas Company," established under and by virtue of
'an Act passed in the Second Year of the Reign of our Sovereign
'Lady Queen *Victoria*, intituled [*here insert the Title of this Act*],
'do hereby grant and release *or* assign [*as the Case may be*] to the
'said

'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 every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever, as to and against the Person or Persons making the same, and all other Persons claiming or to claim by, from, under, or in Trust for him, her, or them respectively; and the same shall operate and be deemed and construed to merge all Terms of Years, and to bar all Right and Title to Dower of the Wife and Wives of such Person and Persons, and all Estates Tail, and all other Estates, Rights, Titles, Limitations, Trusts, Terms, and Interests whatsoever of such Person and Persons of and in the same.

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 to sell and dispose of, and by Indenture under their Common Seal to grant and convey in Fee Simple, or for such other Estate as they may have therein, all or any Part of any Messuages, Lands, Tenements, or Hereditaments which shall be purchased by the said Company under the Powers of this Act, or any Messuages, Lands, Tenements, or Hereditaments which before the passing of this Act have been duly conveyed to the Trustees of the aforesaid Association, and which shall not be wanted, or which shall be deemed by the said Company or their Committee of Directors to be inconveniently situated for the Uses or Purposes of this Act; and all such Conveyances shall be good, valid, and effectual, any Law, Statute, or Custom to the contrary notwithstanding; and upon Payment of the Money which shall arise by Sale of any such Messuages, Lands, Tenements, or Hereditaments it shall be lawful for the Treasurer of the said Company to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to every Person for the Purchase Money for which any such Messuages, Lands, Tenements, or Hereditaments shall be sold, or for so much thereof as in such Receipts shall be expressed to be received, and no Purchaser, after having obtained such Receipt or Receipts, shall be answerable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof, or be bound to inquire or ascertain whether or not such Treasurer shall have been duly appointed to such Office.

Limiting the Amount of Capital or Joint Stock.

VI. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, or by the Admission of new Subscribers, in addition to the said Sum of Five thousand Pounds, any Sum or Sums of Money which they shall think necessary for extending, completing, or carrying on the said Undertaking and the Purposes of this Act; provided that the whole Capital or

or Joint Stock of the said Company shall not exceed Eight thousand Pounds.

Capital or Joint Stock divided into Shares of 10*l.* each.

VII. And be it further enacted, That the Capital or Joint Stock of the said Company shall be divided into Shares of Ten Pounds each, and such Shares as shall be issued after the passing of this Act shall be numbered, beginning with Number Five hundred and one, and proceeding with immediately ascending Numbers in regular arithmetical Progression, whereof the common Excess or Difference shall always be One; and the Shares in the original Undertaking subscribed or paid for before the passing of this Act which are already numbered from Number One to Number Five hundred inclusive, and also all future or new Shares in the said Undertaking, shall always be distinguished by the Number applied or to be applied to the same; and the Capital or Joint Stock of the said Company shall be and is hereby vested in the several Persons who now hold and who shall hereafter subscribe to the said Undertaking, their several and respective Executors, Administrators, and Assigns, proportionably to the Number of Shares which they shall severally possess therein; and all and every Person and Persons, and his, her, and their several and respective Executors, Administrators, and Assigns, who shall respectively hold One or more such Share or Shares, shall be entitled to and receive, at such Time and Times as the said Company shall direct, the entire and net Distribution of an equal proportionable Part (according to the Number of Shares held by them respectively) of the net Profits and Advantages of the said Undertaking that shall and may arise and accrue to, or be raised, recovered, or received by the said Company; and every Person and Persons having or holding any such 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 Person or Persons who are now entitled to and in the actual Possession of any of the said Five hundred Shares in the original Undertaking, and his, her, or their Executors, Administrators, or Assigns, and all and every Person or Persons who after the passing of this Act shall subscribe for or become entitled to, and shall be in the actual Possession of, One or more Share or Shares in the Capital or Joint Stock of the said Company, and his, her, or their Executors or Administrators, shall be deemed to be Proprietors or a Proprietor of the said Undertaking, and Members or a Member of the said Company, subject to the Provisions and Regulations in this Act contained.

Shares to be deemed Personal Estate.

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

Company's Property answerable for their Debts.

IX. And be it further enacted, That the Messuages, Lands, Tenements, and Hereditaments, of what Tenure soever, Manufactories, Gasometers, Machinery, Apparatus, Buildings, and Works, Chattels and Effects of the said Company, shall be answerable for and subject

to the just Debts, Liabilities, Engagements, and Demands of all and every the Creditors of the said Company.

Persons forming the old Association to continue liable for Contracts, &c.; and Persons forming the incorporated Company to be liable to Contracts, &c. to the Amount of their Shares, and no further.

X. And be it further enacted, That the several Persons now composing the said Association shall severally and respectively stand personally responsible and answerable for the due Performance of all Contracts and Engagements already entered into by the said Association, and for all the just Debts of the same Association already incurred, and for all just Demands of the Creditors of the same Association now existing, and for all Damages already occasioned by the Execution of the said Undertaking, in such and the same Manner as the said Association were responsible and answerable immediately before the passing of this Act; and that from and after the passing of this Act the several Persons composing the said Company shall severally and respectively stand personally responsible and answerable for all just Debts of the said Company, and to and for all just Demands against the said Company, and for the due Performance of all Contracts and Agreements to be entered into by the said Company or the Committee of Directors of the said Company on its Behalf, and for all Damages that shall or may be occasioned by the Execution of this Act, to the full Amount of any Sums remaining due by them respectively on account of their several 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 of and Demands against the said Company, and other the Contracts and Engagements aforesaid, to the full Amount of such Share or Shares, but not further or otherwise.

Power to raise Money by Mortgage.

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

'WE,

Form of Mortgage.

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

And every such 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 the Words of such Mortgage or Assignment, and to the true Intent and Meaning of this Act; and a Copy of every such Mortgage or Assignment shall be entered in the Books of the said Company.

Power of transferring Mortgages in a prescribed Form.

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

Form of Transfer of Mortgage.

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

And every such Transfer shall be produced to the Clerk to the said Company, who shall cause a true Copy thereof to be entered in the Books of the Company; and for the entering of every such Transfer the

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 or Persons to whom such Transfer shall be made, and his, her, or their Executors, Administrators, or Assigns, to the full Benefit of the Security thereby transferred.

No Priority of Mortgages.

XIII. And be it further enacted, That all Persons to whom any such Mortgages or Assignments shall be made shall be equally entitled one with the other to the said Undertaking and Property and Effects of the said Company, and the Profits and Advantages thereof so to be assigned, in proportion and according to the respective Sums in such Securities mentioned to be advanced, without any Preference by reason of the Priority of any such Mortgages or Assignments, or on any other Account; and it shall not be lawful for any Person or Persons who shall have made any Transfer to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof, but neither such Mortgagee or Mortgagees, nor his, her, or their Assignee or Assignees, (he, she, or they not being previously a Proprietor or Proprietors of Shares in the said Undertaking,) shall be deemed a Proprietor of the said Undertaking, or be capable of acting in any respect as such, by reason or on account of his, her, or their Interest therein as such Mortgagee or Assignee.

In case Mortgages are paid off, the Company may raise the Amount again.

XIV. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the Money herein-before authorized to be raised by Mortgage as aforesaid, and shall afterwards pay off all or any Part of the Principal Money so secured upon Mortgage as aforesaid, then and in every such Case it shall be lawful for the said Company immediately or at any Time or Times thereafter again to raise, in lieu of the Principal Money so paid off, such Sum of Money as shall from Time to Time have been paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow upon Mortgage as aforesaid in such Manner or to such Extent as that more than the Sum of Two thousand Pounds in the whole shall be owing at any one Time on Mortgage of the said Undertaking.

Power to make Calls.

XV. And be it further enacted, That the said Company, at any General Meeting or Special General Meeting to be called for that Purpose, or at any Adjournment thereof respectively, shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Subscribers or Proprietors of Shares in the said Undertaking who at the Time or Times of making any such Call or Calls shall not have paid or contributed to the full Amount or Sum of Ten Pounds upon or in respect of each Share held by them respectively, their respective Executors, Administrators, or Assigns, as the said Company shall from Time to Time find expedient, so that no such Call do at any one Time exceed Five Pounds upon each Share of Ten Pounds, and so that no Calls shall be made but at the Interval of Two Calendar Months at least from each other, and so that the total Amount of such Call or Calls shall not

not exceed the Sum of Ten Pounds in respect of each Share held by the several Proprietors, and so that Fourteen Days Notice at the least shall be given of every such Call as aforesaid in some Newspaper published or circulated in the Borough of *Newark* aforesaid, or by Letter sent by Post addressed to such Subscribers or Proprietors at their respective last or usual Residences, or left for them there; and the respective Subscribers or Proprietors shall pay their entire Proportion of the several Sums of Money which shall be so called for into the Hands of the Treasurer of the said Company for the Time being at such Times and Places as shall from Time to Time be appointed in such Advertisements, Notices, or Letters.

Enforcing Payment of Calls

XVI. And be it further enacted, That the several Persons who shall be or become Subscribers for and towards the said Undertaking, or who shall at any Time 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 into the Hands of the Treasurer of the said Company for the Time being the Sum or Sums of Money by them respectively to be subscribed, 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 in such Manner as shall be ordered and directed by the said Company; and in case any Person or Persons shall neglect or refuse to pay any such Sum or Sums of Money which shall be so called for as aforesaid at such Time or Times and in such Manner as shall be ordered and directed by the said Company as aforesaid it shall be lawful for the said Company to sue for and recover the same, by Action of Debt or otherwise, in any of Her Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the appointed Time or Times of Payment, and full Costs of Suit from such Person or Persons; and in like Cases of Neglect or Refusal where Two or more Persons shall have jointly subscribed for or be jointly possessed of any One or more of such Share or Shares, then in like Manner to sue for and recover the same from all or any of such Joint Subscribers.

Shares to be forfeited on Nonpayment of Calls.

XVII. And be it further enacted, That if any Person being a Subscriber to or Proprietor of any Share or Shares in the said Undertaking, or otherwise liable to the Payment of any Money so called for as aforesaid, shall refuse or neglect to pay any such Sum or Sums of Money which shall be so called for as aforesaid in respect of any Share or Shares in the said Undertaking for the Space of One Calendar Month next after the Time or Times appointed for Payment thereof, with lawful Interest for the same from such appointed Time or Times of Payment, then and in every such Case every such Person so refusing or neglecting shall (whether the same shall have been sued for in any of Her Majesty's Courts of Record at *Westminster* or or not) absolutely forfeit all his or her Share or Shares in the said Undertaking and Capital or Joint Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him or her on account thereof, unless otherwise determined by a Special General Meeting of the said Company; 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 shall have been given by the Clerk of the said Company to the Proprietor thereof in Writing, or by Letter sent by Post addressed to such Proprietor at his or her last or usual Residence, or left for him or her there, nor unless the same Share or Shares shall be declared forfeited at some Special General Meeting of the said Company held not sooner than One Calendar Month next after the Day on which Notice of such Forfeiture shall have been given as aforesaid; and every such Forfeiture, when so declared, shall be an absolute Indemnification and Discharge to the Proprietor who shall have incurred such Forfeiture, and his or her Executors, Administrators, and Assigns, against all Actions, Suits, and Proceedings whatsoever at Law or in Equity for any Breach of Contract between such Proprietor so forfeiting and the said Company, for or on account of not paying any such Sum or Sums of Money which shall be so called for as aforesaid, or in regard to the future prosecuting of the said Undertaking; and every Share so sold shall be transferred to the Purchaser or Purchasers thereof by the said Company, according to the Form of the Transfer herein-after contained, under the Common Seal of the said Company, and the same shall be registered in the Books of the Company in manner herein-after directed in respect of Transfers; and such Purchaser and 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 Purchaser or Purchasers of such Share or 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.

Notice of Forfeiture to be given.

XVIII. Provided always, 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 Arrears of such Sum and Sums of Money which shall be so called for as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus of such Money shall be paid, on Demand, to the Person to whom such Share or Shares shall have belonged, or who shall be entitled thereto: Provided also, that the said Company shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Proprietor neglecting or refusing to pay any such Sum or Sums of Money which shall be so called for as aforesaid than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from him or her for or on account of such Sum or Sums of Money which shall be so called for as aforesaid, and the Interest and Expences attending the same; and from and after the Payment of all such Sum and Sums of Money which shall be so called for as aforesaid, 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 to whom such Share or Shares shall have belonged immediately before such

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.

Forfeiture as aforesaid, in such Manner as if such Sum or Sums of Money which shall be so called for as aforesaid had been duly and regularly paid.

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

XIX. And be it further enacted, That the Books of the aforesaid Association, in which the Names and Designations of the several Holders of the aforesaid Five hundred Shares in the said Undertaking so paid up as aforesaid, and for which Certificates have been issued before the passing of this Act by the aforesaid Association acting by the Name of "The *Newark* Gas Light and Coke Company," and in which Books the Number of Shares possessed by each of such Holders, and the proper Number by which every such Share is distinguished, have been distinctly entered, shall be kept by the Clerk to the Company hereby incorporated; and the said Company shall and they are hereby required to cause the Names and Designations of the several Persons who shall hereafter become Subscribers under this Act for a further or a new Share or new Shares in the said Undertaking, with the Number of Shares possessed by each of such Subscribers, and also the proper Number by which every new Share shall be distinguished, to be distinctly entered in a Book or Books to be also 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 new Share in the said Undertaking, specifying therein the Name and Designation of the Subscriber or Subscribers of such Share, and the proper Number by which such Share shall be distinguished; and every such Certificate shall be delivered to the Subscriber or Subscribers of such Share, or his, her, or their Executors, Administrators, or Assigns, upon Demand; and the aforesaid Certificates so issued before the passing of this Act, and entered in such Books as aforesaid, and such Certificates so to be delivered in pursuance of this Act as aforesaid, shall be admitted in all Courts and Proceedings whatsoever as Evidence of the Title of such Subscriber or Subscribers, his, her, or their Executors, Administrators, or Assigns, to the Share or Shares therein specified respectively in the said Undertaking, and to the Profits and Advantages accruing in respect thereof, but the Want of such Certificate shall not hinder or prevent the Subscriber or Subscribers of any of the said Shares from selling or disposing thereof; and in case any such Certificate shall not be produced or forthcoming the Entry as aforesaid in any such Book as aforesaid, or a true Copy thereof, certified by the Clerk of the said Company, shall be deemed *primâ facie* Evidence of Title; and for each Certificate which shall be delivered in pursuance of this Act the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and which said Certificates to be delivered as aforesaid after the passing of this Act may be in the Words or to the Effect following; (that is to say,)

Regulations respecting old and new Certificates of Shares.

Form of Certificate.

'The *Newark* Gas Company.

'No.

'THESE are to certify, That of is the
'Proprietor of the Share Number of the Capital or
'Joint Stock of "The *Newark* Gas Company," subject to the Rules,
'Regulations, Orders, and Conditions of the said Company, and
'that

‘ that the said his [*or* her] Executors, Administrators,
‘ and Assigns, is [*or* are] entitled to such Proportion of the Profits
‘ and Advantages arising or to arise to the said Company as shall be-
‘ long to such Share. Given under the Common Seal of the said
‘ Company the Day of in the Year of our
‘ Lord .’

Shares may be sold and transferred.

XX. And be it further enacted, That it shall be lawful for the several and respective Proprietors of any Share or Shares in the said Undertaking, or for their Executors, Administrators, and Assigns, to sell and transfer any such Share or Shares to any Person or Persons whomsoever; provided all and every Sum and Sums of Money which shall be called for by virtue of this Act in respect of such Share or Shares shall have been fully paid up at the Time of such Sale thereof, and not otherwise; and every such Transfer shall be by Deed duly stamped, and in which the Consideration shall be truly set forth, and may be in the Form or to the Effect following; (that is to say,)

‘ I [*or* We] of in consideration of
‘ paid to me [*or* us] by of do hereby
‘ bargain, sell, and transfer to the said all my [*or* our]
‘ Share [*or* Shares] Number in the Capital or Joint
‘ Stock, Property, and Effects of “ The *Newark* Gas Company,” to
‘ hold to the said his [*or* her] Executors, Administrators, and Assigns, subject to the same Rules, Regulations,
‘ Orders, and 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, Regulations, Orders, and Conditions. As witness
‘ our Hands and Seals this Day of in the
‘ Year of our Lord .’

Transfers to be entered.

And every such Transfer shall be produced and notified to the Clerk of the said Company, and a true Copy thereof shall be entered by him in the Books of the said Company, for which Entry the Sum of Two Shillings and Sixpence, and no more, in respect of each Share, shall be paid to the Clerk by the Person requiring such Transfer; and a Copy of the Registry of the Transfer of any Share entered before the passing of this Act in the Books of the aforesaid Association acting under the Name of “ The *Newark* Gas Light and Coke Company,” signed by the Clerk, and a Copy of the Registry of the Transfer of any Share which shall be registered as aforesaid after the passing of this Act, signed by the Clerk, shall be sufficient Evidence of every such Sale and Transfer, and received as such in all Disputes and in all Trials before any Court of Judicature; and no Purchaser or Purchasers of any Share or Shares in the said Undertaking, or his, her, or their Executors, Administrators, or Assigns, shall have any Part or Share in the Profits or Advantages of the said Undertaking, or receive any Interest or Dividends for or in respect of any such Share or Shares so purchased, nor be entitled to vote at any Meeting or Meetings as Proprietor or Proprietors of the said Undertaking in respect of any such Share or Shares, unless such Entry of such Transfer shall have been made as aforesaid, or such

Transfer

Transfer shall have been produced and notified to the Clerk of the said Company as aforesaid.

For ascertaining Proprietorship of Shares in certain Cases.

XXI. And be it 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 reason of his, her, or their Death, Insolvency, Bankruptcy, Absence from the Kingdom, or any other legal Means than by Transfer or Conveyance, and without such Registry as aforesaid, a solemn Declaration in Writing shall be made by Two credible Persons before a Master or Master Extraordinary in Her Majesty's High Court of Chancery, or any One of Her 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, 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 Proprietor or Proprietors in the Books of the said Company; and in all or any of the said Cases the Person or Persons whose Name or Names shall be so entered shall, for all the Purposes of Notices and Liabilities under this Act in respect of such Share and Shares, be deemed the Proprietor or Proprietors of such Share or Shares; and all the Parties interested under the Powers of this Act shall be bound and concluded by such Entry and Registry, and the said Company shall be fully and effectually indemnified in paying the Dividends, Interest, or Income arising from or in respect of such Share or Shares to the Person or Persons whose Name or Names for the Time being shall appear so entered and registered in the said Books.

Proofs required when Rights to Shares accrue by Marriage or Death.

XXII. And be it further enacted, That when any Person or Persons shall claim any Share or Shares in the Capital or Joint Stock of the said Company, or the Profits thereof, in right of Marriage, a solemn Declaration in Writing, containing a Copy of the Register of such Marriage, shall be made by some credible Person before a Master or Master Extraordinary in Chancery, or any One of Her 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 paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, for each Share, 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 Share or Shares in the Capital or 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 respectively as shall relate to the Disposition of such Share or Shares, or of such Letters of Administration, in the Books of the Company; and the said Clerk shall be paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, for each Share, before any Person or Persons

shall be entitled to sell and assign such 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 the said Company with Notice of any Trust or Disposition of any Share or Shares in the Capital or 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 of the Administrator or Administrators of his Effects, whose Receipt or Receipts to the said Company for the Gains and Profits thereof, and to any Purchaser or Purchasers for the Amount of the Purchase Money paid upon the Sale and Conveyance of such Share or Shares, shall be good and effectual, and shall bind the Cestuique Trusts, and all other Persons claiming Interest under such Testator; any Rule of Law or Equity to the contrary notwithstanding.

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

XXIII. And be it further enacted, That it shall be lawful for the said Company to assemble and meet from Time to Time when and where they shall find convenient in the said Borough of *Newark*; and the First General Meeting of the said Company shall be held at the Town Hall in *Newark* aforesaid, or at some other convenient Place in the said Borough, on the Third *Tuesday* after the Day of the passing of this Act, or as soon after as conveniently may be; and the said Company, or any Five or more of the Members thereof, being Subscribers or Proprietors holding collectively not less than Fifty Shares in the said Undertaking, assembled at such First General Meeting, or assembled at any subsequent General Meeting, shall have full Power and Authority to carry this Act and the Purposes thereof into execution, and to adjourn any such General Meeting, and to order and appoint such future General Meetings of the said Company to be holden from Time to Time at such Place or Places within the said Borough as shall at such First or any subsequent General Meeting be thought proper and convenient; and a General Meeting of the said Company shall be held on the First *Tuesday* in *August* in each Year: Provided always, that Notice of the Day and Hour for holding all such General Meetings shall be given by the Clerk of the said Company, or in case there shall be no Clerk then by any Two or more of the Proprietors respectively possessed of Five Shares at the least in the said Undertaking, by Advertisement to be inserted in some Newspaper published or circulated in the said Borough, or by Letter addressed to the several Members of the said Company at their last or usual Residences respectively, and put in to the Post Office at *Newark* aforesaid, or left for them at such their last or usual Residences respectively, Seven Days at the least before the intended Day of Meeting: Provided also, that no Business shall be done or proceeded upon by the said Company at any such General Meeting or at any Special General Meeting to be held in pursuance of this Act before the Hour of Ten of the Clock in the Forenoon, nor shall any Meeting be appointed to begin at any later Hour than Two of the Clock in the Afternoon of the Day on which any such Meeting is or may be appointed to be held; and in case on any such First *Tuesday* in *August*, or on any other Day on which any such General or Special General Meeting is or shall be appointed or ought to be held in

Power to hold first and other General Meetings.

pursuance of this Act, a sufficient Number of Proprietors holding a sufficient Number of Shares to constitute a Meeting shall not be assembled within One Hour after the Time appointed for holding such Meeting, or in case at any such Meeting no Adjournment shall be made, then every such Meeting shall be deemed to be and is hereby declared to be adjourned to that Day Sevennight, and so on from Time to Time weekly until a sufficient Number duly qualified to constitute a Meeting shall be assembled.

Powers for calling and holding Special General Meetings.

XXIV. And be it further enacted, That in case at any Time after any Adjournment of any General Meeting it shall be thought necessary by any Five or more Members of the said Company, being collectively possessed of or entitled to Fifty or more Shares in the said Undertaking, or by Three or more of the Committee of Directors of the said Company, that a Special General Meeting of the said Company should be holden at an earlier Day than the Day to which any such General Meeting shall stand adjourned, then it shall be lawful for such Five or more Members of the said Company, by Writing under their Hands left at the Office of the said Company or given to the Clerk of the said Company, to require the Clerk to call a Special General Meeting to be held on such Day as shall be specified in such Requisition; and such Requisition shall fully express the Objects for which such Special General Meeting is required to be called; and thereupon it shall be lawful for such Clerk to call such Special General Meeting, and such Clerk shall give Notice thereof acordingly in some Newspaper circulated in the said Borough of *Newark*, and published Seven Days at least before the Day of Meeting, or by Letter addressed to the several Members of the said Company at their last or usual Residences respectively, and put into the Post Office at *Newark* aforesaid Seven Days at least before the Day of Meeting, or left for them at such their last or usual Residences respectively Three Days at least before the Day of Meeting; and in case there shall be no Clerk, or the Clerk shall neglect to publish such Notice for the Space of Seven Days after such Requisition given as aforesaid, then it shall be lawful for any such Five or more of such Members of the said Company as aforesaid to call such Special General Meeting by Publication of such Notice thereof in some such Newspaper as aforesaid, or by Letter addressed and put into the Post Office or left as aforesaid; and it shall also be lawful for the Committee of Directors of the said Company, or any Three or more of them, to call any such Special General Meeting by Publication of such Notice thereof in some such Newspaper as aforesaid, or by Letter addressed and put into the Post Office or left as aforesaid; and every such Notice shall particularly specify the Object and Purpose for which such Special General Meeting shall be so convened, and the Time when and the Place where the same shall be held; and all Proceedings of the said Company at such Special General Meeting held in pursuance of any such Notice to be so given as aforesaid shall be as valid and effectual with respect to the Matters specified in such Notice as if the same had been done at a General Meeting at the Time by this Act appointed for holding a General Meeting of the said Company; and any such Special General Meeting may be adjourned from Time to Time if such Meeting shall find it necessary or convenient; or in case a

sufficient

sufficient Number of Proprietors holding a sufficient Number of Shares to constitute a General Meeting shall not be assembled in due Time, according to the Provisions herein-before contained respecting the assembling of General Meetings of the said Company, then such Special General Meeting shall in like Manner stand adjourned to the same Day Sevennight at the same Place from Time to Time until a competent Meeting shall be assembled: Provided that no other Business shall be transacted at any such Special General Meeting, or at any adjourned Special General Meeting, except the Business specified in the Notice for calling such Special General Meeting as aforesaid, or such Part thereof as shall have been left undecided.

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

XXV. And be it further enacted, That at all General Meetings and Special General Meetings of the said Company to be held under the Authority of this Act One of the Proprietors then present shall be elected to preside as Chairman, and all Questions shall be decided by the Majority of Votes, and in case the Number of Votes (to be reckoned as herein-after mentioned) on any Question, including the Vote of the Chairman, shall at any Time be equal, the Chairman shall have and give the casting Vote; and the several Proprietors shall be entitled to vote according to their respective Number of Shares, that is to say, each Proprietor shall have and be entitled to give One Vote in respect of each Share which he or she may have in the said Undertaking, but no Person shall be entitled to vote in respect of any Share or Shares after a Day appointed for Payment of any Sum or Sums of Money which shall be called for as herein is mentioned until such Sum or Sums of Money shall have been paid; and no Proprietor shall vote at any such Meeting upon any Question in which such Proprietor shall be interested in any other Way than as being such Proprietor; and whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking any One of such Persons may vote in respect of such Share or Shares; and in case Two or more such joint Proprietors shall attend at any such Meeting then the Proprietor present 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 the Person whose Name shall stand first in the Books of the said Company, and being so given shall be considered as a Notice given to all the Proprietors of such joint Share or Shares.

No Proprietor by Transfer, &c. to vote until after Three Calendar Months.

XXVI. And be it further enacted, That no Person or Persons becoming a Proprietor or Proprietors of a Share or Shares in the said Undertaking by Transfer or Purchase shall be entitled to vote in respect of such Share or Shares until the End of Three Calendar Months after his, her, or their Title to such Share or Shares shall have been entered in one of the Books of the said Company in manner herein-before prescribed.

XXVII. And

Lunatics and Minors to vote by their Committees or Guardians.

XXVII. And be it further enacted, That in case any of the Proprietors entitled to vote as aforesaid shall be a Lunatic or Lunatics or Minor or Minors, every such Lunatic or Lunatics may vote by any one of his, her, or their Committees, and every such Minor or Minors shall or may vote by his, her, or their Guardians, or any one of such Guardians; and the Appointment of such Committee or Guardian shall always be produced by the Person applying to vote as such Committee or Guardian before he shall be entitled to vote as such.

Female Proprietors of Shares to vote by Proxy.

XXVIII. And be it further enacted, That every Female Proprietor of any Share or Shares in the said Undertaking, entitled to vote in respect of such Share or Shares at any General or Special General Meeting of the said Company, shall have full Power and Authority to vote at such General and Special General Meeting, either in Person or by Proxy (every such Proxy being a Proprietor of a Share or Shares in the said Undertaking, and entitled to vote in respect of his own Share or Shares,) duly constituted under her Hand, or, in Cases of joint Proprietorship of any Share or Shares, under the Hand of the Person whose Name shall stand first in the Books of the said Company; 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 *Newark* Gas Company," do hereby nominate, constitute, and appoint of to be my Proxy, in my Name and in my Stead to vote or give my Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking that shall be mentioned or proposed at any General Meeting or Special General Meeting or Meetings of the said Company, or any Adjournment thereof, if I shall not be present, in such Manner as the said shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking, or any thing relating thereto. In witness whereof I have hereunto set my Hand the Day of .'

And which Appointment shall be produced and shown to the Clerk of the said Company by the Proprietor so appointed a Proxy before he shall be entitled to vote as such, and shall continue valid until revoked.

Notice of Meetings how to be given.

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

Appointment of Directors.

XXX. And be it further enacted, That *James Collins*, *William Dobbs*, *John Drury*, *Edward Little Bousfield*, *Benjamin Nicholson*, *John Foster*, *John Edward Smith*, *Jacob Barth*, *John Robinson*, *Thomas Fowke*, *Andrew Burnaby*, and *Thomas Johnson*, and their Successors, to be appointed as herein-after mentioned, shall be and they are hereby constituted and appointed the Committee of Directors for managing the Affairs and Business of the said Company.

Appointment of Auditors.

XXXI. And be it further enacted, That *Richard Norton* and *Thomas Burgin*, and their Successors, to be appointed as herein-after mentioned, shall be and they are hereby constituted and appointed Auditors of the Accounts of the said Company.

Committee of Directors and Auditors to continue until the first Tuesday in August 1839.

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

Election of future Directors and Auditors.

XXXIII. And be it further enacted, That at the General Meeting to be held on the First *Tuesday* in the Month of *August* One thousand eight hundred and thirty-nine, or at some Adjournment thereof, and at the General Meeting which shall be held on the First *Tuesday* in the Month of *August* in every succeeding Year, or at some Adjournment thereof, out of the Committee of Directors for the expiring Year Five Members shall be elected as Members of the Committee of Directors for the ensuing Year; and as soon as such Re-election shall have been made Six other Proprietors of Shares in the said Undertaking, respectively possessed of Five Shares at the least in the said Undertaking, and who were not Members of the Committee of Directors of the expiring Year, shall be elected Members of the Committee of Directors for the ensuing Year in the Room of the Six Members of the Committee of Directors of the expiring Year, who shall not be re-elected; and after such Re-elections and Elections as aforesaid shall have taken place, the Members of the Committee of Directors who shall not have been re-elected shall go out of Office; and at the same General Meeting or Adjournment thereof Two Auditors shall be chosen from among the Proprietors (not being Members of the Committee of Directors for the Time being) to audit the Accounts of the said Company; and all such Re-elections and Elections shall, on the Requisition of any Proprietor present at any such General Meeting or Adjournment thereof, be by private Ballot.

Qualification of Directors and Auditors.

XXXIV. Provided always, and be it further enacted, That in case any Person being a Member of the said Committee of Directors or an Auditor shall hold or accept any Place or Office of Profit under the said Company, or shall either directly or indirectly take any Contract or be engaged to do any Work or furnish any Commodities to or for the said Company, or shall participate in any Manner in any pecuniary Advantage to be derived from the said Company, further than as a Proprietor, or, being a Director, shall cease to hold Five Shares

Shares in the said Undertaking, or shall refuse or neglect, unless prevented by Illness or Absence from Home, to attend any Three successive Meetings of the said Directors, whereof he shall have received Notice by Letter addressed to him, and either put into the Post Office at *Newark* aforesaid or left at his last or usual Residence, then and in any of the Cases aforesaid every such Person, being a Director, shall be disqualified from interfering, voting, or acting in any Matter as a Member of the said Committee of Directors, and shall cease to be a Member of the said Committee, or, being an Auditor, shall be disqualified and cease to act as such; and upon any such Vacancy, or on the Death of any Member of the said Committee or of any Auditor, it shall be lawful for the said Company, at any General Meeting or Special General Meeting to be held pursuant to the Directions of this Act, to elect and appoint some other Proprietor duly qualified to supply every such Vacancy; and every such Proprietor so elected shall continue in Office as one of such Committee or Auditors so long as the Person in whose Place or Stead he was elected would have been entitled to have continued in Office if such Vacancy or Death had not happened: Provided always, that until the Disqualification of any Member of the Committee of Directors or of any Auditor shall have been communicated to and recorded at a Meeting of the Committee of Directors, every Act and Proceeding to which he shall be a Party shall be as valid and effectual as if no such Disqualification had taken place.

Meetings of Directors.

XXXV. And be it further enacted, That it shall be lawful for the Committee of Directors of the said Company, or any Three or more of them, to assemble or meet and hold their Meetings at such Time and Place within the said Borough of *Newark* as they shall from Time to Time think proper and appoint, and to adjourn their Meetings from Time to Time and from Place to Place within the said Borough as they shall think proper, and to hold such adjourned Meetings, and to choose from among themselves a Chairman and Deputy Chairman of the Meetings of the said Committee; and if it shall so happen that at any Meeting of the said Committee neither the Chairman nor Deputy Chairman so to be chosen as aforesaid shall attend, One of the Members of the said Committee then present shall be elected to preside as Chairman for that Occasion; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Directors at any of their said Meetings shall be decided and determined by a Majority in Number of Members present (the Number of Members present being not less than Three), without any regard to the Number of Shares held by each of them, and in case of there being an equal Number of Votes upon any Question, including the Vote of the Person acting as Chairman for the Time being, such Chairman shall have the deciding and casting Vote; and if on the Day appointed for any Meeting of the said Committee Three Members thereof shall not attend within an Hour after the Time appointed for holding such Meeting, 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 Three or more

Chairman to have casting Vote.

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

more Members of the Committee of Directors may at any Time when they shall think fit call a Meeting of the Committee of Directors, by Notice in Writing addressed to each Member of such Committee, signed by such Three or more Members, and either put into the Post Office at *Newark* aforesaid or left at the last or usual respective Residences of every Member of such Committee, and also may renew the Meetings of the Committee although they may have been discontinued for Want of Adjournment, or may institute a new Meeting independently of any Meeting appointed by Adjournment.

Committee may appoint Sub-Committees.

XXXVI. And be it further enacted, That it shall be lawful for the said Committee of Directors from Time to Time to nominate and appoint out of their own Body One or more Sub-Committee or Sub-Committees, with such Powers and Authorities as the said Committee shall think proper to delegate or intrust to them; and all Matters and Things which a Committee of Directors shall order and direct to be done by such Sub-Committee or Sub-Committees shall and may, by virtue of such Orders, be done by such Sub-Committee or Sub-Committees; and it shall be lawful for the said Committee of Directors, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-Committee, and to remove or displace any of the Members thereof, and to appoint others in their Place or Stead, or to appoint from Time to Time One or more other Sub-Committee or Sub-Committees in manner aforesaid, with such and the like or any other Powers or Authorities, when and so often as the said Committee of Directors shall think expedient.

Powers of Directors.

XXXVII. And be it further enacted, That the Committee of Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to use the same, (subject nevertheless to any Order which may be made at any General or Special General Meeting of the said Company respecting the Custody or Use thereof,) and from Time to Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places in the said Borough of *Newark* of holding such 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 Messuages, Lands, Tenements, or Hereditaments, Materials, Goods, and Chattels, for the Use of the said Undertaking; and to enter into Agreements or Contracts for lighting and supplying with Gas the said Borough of *Newark* and Neighbourhood thereof, and the Streets, Roads, Lanes, and other public Passages and Places, Churches, Chapels, Shops, Inns, Taverns, Dwelling Houses, Warehouses, Manufactories, and other public and private Buildings therein, in manner as before mentioned; and in nominating, electing, appointing, placing, or displacing any Engineer, Accountant, Assistant, Collector, Agent, Tradesman, Workman, Servant, or other Officer of the said Company, (not being a Treasurer or Clerk of the said Company,) with such Salaries, Gratuities, or other Recompence as to the Committee

of Directors shall seem proper; and in ordering, directing, and employing the said Works and Workmen, and in selling and disposing of all Articles produced as aforesaid in the manufacturing of Gas; and in making, enforcing, and rescinding, compounding and compromising, all Contracts and Bargains touching or in anywise concerning the said Undertaking; subject to any special Regulations or Resolutions of the said Company in restraint, control, or regulation of the Powers and Authorities by this Act granted, and to all which Regulations and Resolutions, not being contrary to any express Provisions or Directions in this Act, the said Committee of Directors shall pay due Obedience; and the said Committee of Directors may require and take such Security from any Officer or Officers (not being a Treasurer or Clerk of the said Company) or other Person for the faithful Execution of their respective Offices as they may think proper.

For removing Directors for Mismanagement.

XXXVIII. And be it further enacted, That in case any Two or more of the said Proprietors, collectively possessed of Fifty or more Shares in the said Undertaking, and each of them being possessed of not less than Five Shares, shall think that there is any Reason to complain of the Conduct of the Committee of Directors for the Time being, or of any Member or Members thereof, and shall call a Special General Meeting of the said Company in manner herein-before directed, it shall be lawful for the said Company at such Special General Meeting to remove all or any of the Members of the Committee of Directors, and to elect other Persons duly qualified to be Directors in their Stead; and the Committee of Directors for the Time being shall produce their Accounts and report their Proceedings at such Special General Meeting, if required by the Notice calling or convening the same.

Members of the Committee not to be personally liable.

XXXIX. And be it further enacted, That no Member of the Committee of Directors for the Time being shall be personally answerable for the Performance of any Contract or Agreement into which he shall enter as one of such Committee of Directors on behalf of the said Company; but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Committee of Directors shall have full Power to resort to and proceed to exercise all the Privileges by this Act given for Proceedings 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.

Clerk and Treasurer to be appointed by General Meetings.

XL. And be it further enacted, That it shall be lawful for the said Company, at their First General Meeting, or at any Special General Meeting to be called and held pursuant to the Directions and Provisions of this Act, to elect and appoint a Clerk for transacting the Business of the said Company, and also to elect and appoint a Treasurer, and from Time to Time to remove and displace any such Clerk or Treasurer, and from Time to Time, at any Special General Meeting to be called and held pursuant to the Directions and Provisions of this Act, to elect and appoint any other Person to act as Clerk, or any other Person to act as Treasurer, in the Room of such

of the said Officers as shall happen to die, or to resign or be removed from their respective Offices; and such Salaries or other Emoluments shall be allowed to the said Officers, or either of them, as at any such General or Special General Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company for the faithful Execution of his Office before he shall enter thereupon.

Treasurer to give Security.

Offices of Clerk, Treasurer, &c. not to be held by the same Person.

XLI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as 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 or Auditor 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 or Auditor for the Purposes of this Act, or to appoint the Person who may be appointed Auditor, or the Partner of any such Auditor, or the Clerk or any Person in the Service or Employ of any such Auditor, or the Clerk or any Person in the Service or Employ of the Partner of any such Auditor, to be the Treasurer or Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer, or both the Offices of Clerk and Auditor, or both the Offices of Auditor 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 Auditor, or shall act as Deputy of such Treasurer or Auditor, or in any Manner officiate for such Treasurer or Auditor, or being the Partner of such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk or Auditor, or shall act as Deputy of such Clerk or Auditor, or in any Manner officiate for such Clerk or Auditor, or being the Partner of any such Auditor, or the Clerk or any Person in the Service or Employ of any such Auditor, or the Clerk or any Person in the Service or Employ of the Partner of any such Auditor, shall accept the Office of Treasurer or Clerk, or shall act as Deputy of such Treasurer or Clerk or in any Manner officiate for such Treasurer or Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or more than One Imparlance, shall be allowed.

XLII. And

Treasurer not to issue Money without an Order.

XLII. And be it further enacted, That no Sum or Sums of Money shall be issued by the Treasurer 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 of Directors for the Time being, or by any Three or more Members of the said Committee; and the Receipts of such Treasurer for all Monies payable to the said Company shall be effectual Discharges for the same.

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

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

Books to be kept by the Company.

XLIV. And be it further enacted, That Books shall be provided and kept by the said Company, for the Purpose of entering and registering the Proceedings of the said Company and of their Directors, and all Orders and Resolutions made at any of their Meetings respectively, and all other Proceedings, Matters, and Things to be done in pursuance of the Directions of this Act; and such Books shall (subject to the Orders of the Company and their Directors) be kept by the Clerk to the said Company; and the Entries in such Books of all Orders and Resolutions made at any such Meetings as aforesaid shall be signed by the Chairman for the Time being of each respective Meeting, or for the Purposes of Adjournment only by the Clerk to the said Company; and the Orders and Proceedings so entered and signed shall be deemed and taken to be original Orders and Proceedings, and such Books shall be admitted in Evidence by and before all Judges, Justices, and others, and in all Courts and Places whatsoever, and that without Proof of such Meetings having been duly convened, or of the Persons making such Orders or Proceedings being Proprietors or Directors of the said Company; and any Person interested shall at all seasonable Times be allowed to inspect such Books without Fee or Reward.

Accounts to be kept of Receipts and Disbursements.

XLV. And be it further enacted, That the said Company shall and they are hereby required from Time to Time to order and direct a Book or Books to be kept, in which shall be entered true and regular Accounts of all Sums of Money received, paid, or expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed

disbursed and paid; and all such Book and Books, Statements and Reports, shall at all seasonable Times be open to the Inspection of the Proprietors of Shares in the said Undertaking, and all Persons respectively possessing or entitled to any Security affecting or charged upon the Estate and Effects, Rents and Profits, of the said Company, by virtue of this Act, who may take Copies thereof or Extracts therefrom without Fee or Reward.

Officers to render Accounts when required.

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

the said Money and the Charges of distraining for and selling the same, or if such Officer shall not appear before the said Justice at the Time and Place appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to such Justice the several Vouchers and Receipts, Books, Accounts, Papers, and Writings, in his Custody or Power belonging to the aforesaid Association or to the said Company, or any of them, then and in any or either of the Cases aforesaid such Justice may and he is hereby authorized, by a Warrant under his Hand and Seal, to commit such Officer to the Common Gaol or House of Correction of or for the County, Borough, or Place in which such Officer shall live or reside, there to remain without Bail or Mainprize, in case he shall be committed for Non-payment of any Money received by him or in his Hands, until he shall have accounted for to the Satisfaction of such Justice, and paid the full Amount thereof, or compounded with the said Committee of Directors, and paid such Composition in such Manner as the said Committee of Directors shall appoint (which Composition the Committee of Directors are hereby empowered to make), or, in case he shall be committed for not delivering any such Accounts, Books, Papers, or Writings as aforesaid, until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof, to the said Company or Committee of Directors: Provided that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Three Calendar Months.

Not to prejudice Remedies against Sureties of Officers.

XLVII. 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 Suit against every 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 Surety or Sureties, touching any thing to be done under or in pursuance of this Act.

Dividends to be declared at the General Meeting in August.

XLVIII. 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 *Tuesday* in the Month of *August* in each Year, or some Adjournment thereof, the Committee of Directors shall lay before the Proprietors then and there assembled a Report and Statement of the Affairs of the Company, made up to the Sixth Day of *July* preceding, signed and allowed by the said Auditors; and a Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said Undertaking, (unless such Meeting shall declare otherwise,) and such Dividend or Dividends shall be at and after the Rate of such a Sum *per Centum* upon or for the respective Shares in the said Undertaking as

as such Meeting or Meetings shall think fit to order and determine, and the same shall be paid to the respective Proprietors by the Treasurer of the said Company; but no Dividend shall be made whereby the Capital or Joint Stock 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.

Receipt of One Proprietor of a Share or Shares a sufficient Discharge.

XLIX. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company and Treasurer for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share or Shares, notwithstanding any Uses or Trusts upon or to which such Share or Shares be then settled, conveyed, or assigned, and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of the Parent or Guardian of a Minor a sufficient Discharge.

L. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Guardian (if any, or if not, of the Parent of such Minor, or of the Committee or of any One of the Committees of such Idiot or Lunatic,) shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Property of the Association vested in the Company.

LI. And be it further enacted, That all and every the Buildings, Lands, Tenements, and Hereditaments heretofore purchased by or conveyed to the Trustees of the said Association, and all and every the Main Pipes and other Pipes and Works which have been purchased or provided and laid down or placed in any Street, Road, Lane, and other Passage or Place within the said Borough of *Newark* or the Neighbourhood thereof, by the aforesaid Association, and belonging to them at the Time of the passing of this Act, and all Retorts, Purifiers, Gasometers, Receivers, Cisterns, Engines, Machines, Pipes, Posts, Lamp Irons, Lamps, Erections, Buildings, Matters, and Things, the Property of or belonging to the aforesaid Association at the Time of the passing of this Act, shall be and the same and each and every of them are hereby vested in the Company incorporated by virtue of this Act, subject to any existing Charges thereon.

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

LII. 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, Purifiers, Gasometers, Receivers, and other Buildings, Reservoirs, Cisterns, Engines, Machines, and other Apparatus, Tunnels, Viaducts, Cuts, Drains, Sewers, Watercourses, and other Works and Conveniences, for the Manufacture and Supply of Gas and Coke, and other the Purposes of this Act, upon any Lands, Tenements, or Hereditaments vested in the said Company by virtue of or under the Provisions or Powers of this Act, as the said Company shall think necessary or proper for carrying the Purposes

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 Soil or Pavements of the Footways and Carriageways of any Streets, Roads, Lanes, Bridges, and other public Passages and Places, or any of them, or any Part thereof, within the said Borough, or the Liberties, Precincts, Suburbs, or Neighbourhood thereof within the said several Parishes or Places of *Hawton*, *Farndon*, and *East Stoke*, and also to break up the Soil of any private Grounds, Ways, Passages, and other Places, or any Part thereof, within the same Borough, Liberties, Precincts, Suburbs, or Neighbourhood; and also to dig, sink, and make or construct any Tunnels, Viaducts, Cuttings, Trenches, or Drains, and to lay, put, or place therein any Main Pipes, Branch Pipes, and other Pipes, with all necessary Drain Boxes, Siphons, 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 Tunnels, Viaducts, Cuttings, Trenches, or Drains, and on, along, or over, aside, or under any Bridge or Bridges aforesaid, in such Manner as shall be necessary for the Purposes of this Act and carrying the same into full Execution; and to erect, put, and place any Posts, Pillars, Pilasters, Lamp Irons, Lamps, and other Apparatus in the same Streets, Roads, 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, Siphons, and Plugs, or Branches; and also to carry, place, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Branch Pipes belonging to the said Company, now laid or hereafter to be laid in any Street, Road, Lane, Bridge, Passage, or other Place, public or private, into, through, or against any Churches, Chapels, Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, public or private Buildings or Grounds, for the Purpose of lighting the same, or any public or private Lamp, from any of such Mains or other Pipes; and to erect and set up any Machine or Apparatus requisite or necessary for securing to any Churches, Chapels, Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, 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 Churches, Chapels, Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, 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, doing as little Damage thereby as may be, and reasonable Compensation being made for any Damage occasioned thereby: Provided always, that no Gas Pipes shall be laid down in any of the Streets or Places aforesaid at a less Depth than Eighteen Inches at least from the Surface of the Street to the upper Part of the Pipe, except in passing over Bridges or Vaults: Provided also, that it shall not be lawful for the said Company

pany or their Agents or Workmen, or any other Person or Persons, under the Powers or Provisions of this Act, to break up the Soil or Pavement of any private Land or Ground without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Pavement not to be broken up without Notice.

LIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to break up or open, or to cause any Part of the Soil or Pavement of any of the said Streets, Roads, Lanes, Bridges, and other public Passages and Places to be broken up or opened, nor the Passage upon or over the same to be in any Manner obstructed, for any of the Purposes aforesaid, (save and except in Cases of sudden Escape of Gas or other Emergency requiring immediate Repair or Alteration of any Gas Pipes,) until after the said Company, or their Clerk, Surveyor, Engineer, or other Officer employed by them and acting under their Authority, shall have first given Notice of their Intention to break up or open the same Twenty-four Hours at the least before such breaking up or opening shall commence, by Writing under their or his Hands or Hand, to the Clerk or Surveyor (or, if there be no Clerk or Surveyor, to Two or more) of the Commissioners, Council, Bodies Corporate, Inspectors, Trustees, Surveyors, or other Persons having the Control, Direction, or Management of such Streets, Roads, Lanes, Bridges, and other public Passages and Places respectively, either by giving such Notice personally to such Surveyor or Clerk, Commissioners, Council, Bodies Corporate, Inspectors, Trustees, Surveyors, or other Persons, or leaving the same at his or their Dwelling House or Dwelling Houses or usual Place or Places of Abode or Business, and specifying in such Notice the particular Place or Places wherein and the Day when such Soil or Pavement is intended to be broken and opened.

Liberty to proceed without Direction of Surveyor, &c. after Notice.

LIV. Provided also, and be it further enacted, That in case any such Clerk or Surveyor (or, if there be no Clerk or Surveyor, such Two or more) of such Commissioners, Council, Bodies Corporate, Inspectors, Trustees, Surveyors, or other Persons having the Control, Direction, or Management of such Streets, Roads, Lanes, Bridges, and other public Passages and Places respectively, shall neglect or refuse to inspect or superintend any of the Works aforesaid, after being thereunto required by Notice in Writing from the said Company, or the Clerk, Surveyor, Engineer, or other Officer employed by them, given at least Twenty-four Hours before such Work shall be commenced as aforesaid, then the said Company shall be and are hereby fully authorized to do and perform the Works specified in the Notice which shall have been so given without the Inspection of such Clerk or Surveyor, Commissioners, Council, Bodies Corporate, Inspectors, Trustees, Surveyors, or other Persons as aforesaid.

Pavements to be broken up or relaid under the Inspection of Surveyors, &c.

LV. And be it further enacted, That the Soil or Pavement of any Street, Road, Lane, Bridge, or other public Passage or Place as aforesaid shall be broken up under the Inspection of the Clerk or Surveyor (or, if there be no Clerk or Surveyor,) of the Commissioners, Council, Bodies Corporate, Trustees, Inspectors, Surveyors, or other Persons under whose Jurisdiction, Control, Direction, Care, or Management

ment such Soil or Pavement shall be, and according to such Plan as such Clerk or Surveyor (or, if there be no Clerk or Surveyor, as such Commissioners, Council, Bodies Corporate, Trustees, Inspectors, Surveyors, or other Persons) shall approve, if he or they shall, before the Expiration of the Time specified in the Notice lastly herein-before directed to be given to him or them, signifying to the said Company, or their Clerk, Surveyor, Engineer, or other Officer, his or their Wish or Intention to prescribe a Plan upon which such Soil or Pavement should be broken up; and in case of any Difference or Dispute between such Clerk or Surveyor (or, if there be no Clerk or Surveyor, between such Commissioners, Council, Bodies Corporate, Trustees, Inspectors, Surveyors, or other Persons,) and the said Company, or their Clerk, Surveyor, Engineer, or other Officer, thereon, then according to such Plan as shall be approved of or ordered by any Justice of the Peace for the County, Borough, or Place where such Street, Road, Lane, or other public Passage or Place shall be situate, who is hereby empowered to make such Order in the Premises as he shall think fit, on the Application of the said Company, or their Clerk, Surveyor, Engineer, or other Officer, after hearing both Parties, or after hearing the Party only making such Application, upon Proof of Service of Notice on such Clerk or Surveyor, (or, if there be no Clerk or Surveyor, on such Two or more Commissioners, Council, Bodies Corporate, Trustees, Inspectors, Surveyors, or other Persons,) specifying the Day or Time and Place when and where the Appearance before such Justice is intended to take place, and the Non-appearance of such Clerk or Surveyor (or, if there be no Clerk or Surveyor, of such Two or more of such Commissioners, Council, Bodies Corporate, Trustees, Inspectors, Surveyors, or other Persons,) at the Day or Time and Place so specified in such Notice.

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

LVI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company to carry or lay any Main or Mains or other Pipe or Pipes into or through or against any Dwelling House, Shop, Inn, Tavern, Mill, Manufactory, Warehouse, or other private Building, or Yard or Curtilage to any such Dwelling House or other Premises, or so to continue the same, without the Consent in Writing of the Owner and Occupier thereof.

Position of Pipes in private Grounds may be altered.

LVII. Provided also, and be it further enacted, That in case the said Company shall at any Time place or lay any Mains or Pipes along, under, or across any private Ground, Road, Way, or Passage for the Conveyance of Gas, with the Consent of the Owner or Occupier thereof for the Time being, and such Owner or Occupier respectively shall at any Time thereafter deem it necessary or expedient to alter or vary the Position of any such Mains or Pipes, the said Company shall, at the Expence, Costs, and Charges of the Owner or Occupier requiring any Alteration or Variation, within One Calendar Month next after being required so to do by Notice in Writing to them given by such Owner or Occupier, alter and vary the Position of such Mains or Pipes, and relay the same according to such Notice in such Manner and in such Place or Places as the Owner or Occupier shall think right or proper, and in default thereof it shall be

lawful for such Owner or Occupier, at his, her, or their own Costs and Charges, to cause the Position of such Mains or Pipes to be altered, varied, and relaid as aforesaid.

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

LVIII. Provided also, and be it further enacted, That in case any Pipe, Cock, or Branch shall be fixed, carried, or laid from any Main or Pipe of the said Company into, through, or against any Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, or other Buildings, for the Purposes of lighting the same or any other Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, or other Buildings, in pursuance of this Act, and the Owner or Occupier of any such Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, or other Buildings into or through or against which such Pipe, Cock, or Branch shall be fixed, carried, or laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his or her Desire shall give Notice in Writing to the said Company, then and in every such Case the said Company shall, at the Costs and Charges of the Party requiring the same, within Ten Days after Receipt of such Notice, alter or remove and take away all or any such Pipes, Cocks, or Branches as shall have been so introduced and laid therein or thereupon from any such Main or Pipe of the said Company as aforesaid, and in default thereof it shall be lawful for such Owner or Occupier, or other Person acting under his or her 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.

LIX. Provided also, and be it further enacted, That in all Cases where it shall not have been otherwise stipulated by Agreement in Writing between the said Company and any Occupier, the said Company shall at their own Expence, on the Expiration or Determination of the Tenancy of any Occupier whose Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, or Building shall be supplied with Gas in pursuance of this Act, within Ten Days next after the Expiration or Determination of such Tenancy, upon receiving Two Days Notice in Writing for that Purpose from the Owner or succeeding Occupier of any such Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, or Building, remove, take, and carry 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 Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, or Building as aforesaid, and shall repair and make good every such Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, or Building where the same shall have been so introduced or have been placed, any thing herein contained to the contrary thereof in anywise notwithstanding; and in default thereof it shall be lawful for such Owner or the new or succeeding Occupier (as the Case may be), or any other Person acting under his Authority, to cause such Pipes, Cocks, and Branches to be removed, taken, and carried away, (without being subjected to any Penalty or Costs for thereby unavoidably damaging the Works of the said Company,) and the Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, or Building where the same shall have

have been introduced or placed to be repaired, and the reasonable Costs and Charges of the same shall be immediately paid by the said Company or their Treasurer for the Time being to such Owner or Occupier (as the Case may be); and if such reasonable Costs and Charges be not paid within Twenty Days next after Demand shall be made by such Owner or Occupier, (Proof of such Demand being made by the Oath or Affirmation, as the Case may be, of a credible Witness before a Justice of the Peace for the County, Borough, or Place where such Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, or Building shall be situate,) all such reasonable Costs and Charges shall and may be levied and recovered by every such Owner or Occupier by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of the Distress and Sale, by Warrant under the Hand and Seal of such Justice as aforesaid, which Warrant such Justice is hereby empowered to grant.

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

LX. 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 Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, public or private Building, Ground, 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 Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, public or private Buildings, 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 Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, public or private Buildings, Grounds, and Premises where such Pipe or Apparatus shall have been so introduced.

Pavement, &c. to be reinstated by Company.

LXI. And be it further enacted, That when and so often as the Stones, Pavement, Ground, or Soil in or of any Street, Road, Lane, Bridge, Passage, or Place, or any Part thereof, shall have been broken up or removed under the Provisions of this Act, the said Company shall and they are hereby required, as soon as may be thereafter, at their own Costs and Charges, to fill in and effectually make good all Trenches and Drains, and to relay, reinstate, and make good such Stones, Pavement, Ground, or Soil, and for the Space of Six Calendar Months thence next ensuing from Time to Time, and so often as thereunto required, to keep and renew the said Stones, Pavement, Ground, or Soil, and such Parts of the said Streets, Roads, Lanes, Bridges, Passages, or Places as shall have been so broken up or removed as aforesaid, in good Repair, Order, and Condition and of a level Surface to the Satisfaction of the Clerk or Surveyor of the Commissioners, Council, Bodies Corporate, Inspectors, Trustees, or other Persons having the Control, Direction, or Superintendence, or being the Proprietor of such Stones, Pavement, Ground, or Soil, Streets, Roads, Lanes, Bridges, Passages, or Places respectively, as well when the same shall have been broken up or removed for the Purpose of first laying down as

as for the Purpose of examining, searching, repairing, relaying, or amending any Main Pipes or other Pipes, Cocks, or Plugs, or for any other Purpose authorized by this Act; and the said Company shall at all Times and on all Occasions, at their own Costs and Charges, remove and carry away all surplus Earth, Filth, and Rubbish occasioned thereby; and during the Time that the Works hereby authorized are carrying on, and until such Stones, Pavement, Ground, or Soil shall be relaid, reinstated, or made good as aforesaid, the said Company shall provide and place necessary Lights at Night, and shall guard and fence off the said Works so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Company shall make default in filling in and making good such Drains and Trenches, or in relaying, and from Time to Time within the Period aforesaid reinstating and making good, such Stones, Pavement, Ground, or Soil, or in putting and for the Space herein-before mentioned keeping the said Stones, Pavement, Ground, or Soil, and the said Parts of the said Streets, Roads, Lanes, Bridges, Passages, or Places, in such good Repair, Order, and Condition and of such level Surface as aforesaid, or in removing and carrying away all such surplus Earth, Filth, and Rubbish as aforesaid, or in providing and placing such Lights at Night, or in guarding and fencing off the said Works so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case the said Company shall forfeit and pay for every such Offence the Sum of Five Pounds; and it shall be lawful for the Clerk or Surveyor of such Commissioners, Council, Bodies Corporate, Inspectors, Trustees, or other Person or Persons having such Control, Direction, or Superintendence as aforesaid, or their or his Servants or Agents, to fill in and make good such Drains and Trenches, and to relay and from Time to Time to reinstate and make good such Stones, Pavement, Ground, or Soil, and to put, and for the Space aforesaid to keep the same, and also the said Parts of the said Streets, Roads, Lanes, Bridges, Passages, or Places which shall have been so broken up or removed as aforesaid, in such good Repair, Order, and Condition and of such level Surface as herein-before is mentioned, and to remove and carry away all surplus Earth, Filth, and Rubbish, and during the Time that such Works are carried on to provide and place necessary Lights at Night, and to guard and fence off the said Works so as to prevent any such Damage or Inconvenience as aforesaid; and the Expence of doing all and every or any of the Matters aforesaid shall be repaid by the said Company or their Treasurer to such Commissioners, Council, Bodies Corporate, Inspectors, Trustees, Surveyors, or other Person or Persons as aforesaid, and in default of Payment for Ten Days next after Demand thereof in Writing shall have been made on the said Company for and on behalf of such Commissioners, Council, Bodies Corporate, Inspectors, Trustees, Surveyors, or other Person or Persons (Proof of such Demand being made by the Oath of One credible Witness before a Justice of the Peace for the County, Borough, or Place where such Streets, Roads, Lanes, Bridges, Passages, or Places shall be situate,) all such Sum and Sums of Money as shall have been so paid as and for the Expence of doing all and every or any of the Matters aforesaid shall and may be levied and

recovered by Distress and Sale of the Goods and Chattels of the said Company or of their Treasurer, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, who is hereby empowered to grant the same.

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

LXII. And be it further enacted, That the said Company, their Servants, Agents, Workmen, and others, shall not, by any Work to be done by virtue of this Act, damage or injure any public Sewer or Drain within the Limits of this Act, and if any Damage or Injury shall be done by them or any of them to any such Sewer or Drain the said Company shall forthwith well and sufficiently repair and make good such Damage or Injury, and in default thereof the Amount of such Damage or Injury, together with the Costs, Charges, and Expences of recovering the same, shall be recoverable by the Commissioners, Council, Body Corporate, Inspectors, Trustees, Surveyors, or other Person or Persons under whose Jurisdiction and Care such Sewer or Drain shall be, by Distress and Sale of the Goods and Chattels of the said Company or of their Treasurer, by Warrant under the Hand and Seal of One Justice of the Peace for the County, Borough, or Place where such Sewer or Drain shall be situate, and which Warrant such Justice is hereby empowered to grant, or in case the Amount claimed shall exceed Twenty Pounds, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, together with full Costs of Suit, wherein no Essoign, Protection, or more than One Imparlance, shall be allowed.

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

LXIII. And be it further enacted, That all Contracts and Agreements entered into or made before the passing of this Act by the said Association acting by the Name of "The *Newark* Gas Light and Coke Company," or entered into or made by any Committee of Directors of the said Association, or by any Person or Persons acting on behalf of the said Association and now in force, shall be as binding upon the said Company hereby incorporated, and be of as full Force and Effect in Law in all respects against and upon the Company hereby incorporated, as if the same respectively had been entered into or made by the said Company after the passing of this Act, or by the Committee of Directors of the said Company named or appointed in pursuance of this Act, or by any Person or Persons acting on behalf of the said Company in pursuance of this Act; and all Bodies Corporate and all Persons whomsoever who at the Time of the passing of this Act shall be Parties or a Party to any such Contract or Agreement as aforesaid shall be answerable to the Company hereby incorporated for the full Performance of all and every the Conditions or Condition of any such Contract or Agreement therein stipulated to be done or performed by any such Parties or Party in like Manner as if such Contracts or Agreements respectively had been made or entered into in pursuance of this Act with the said Company or any Committee of Directors named or appointed in pursuance of this Act; and all Bodies Corporate and all Persons whomsoever who at the Time of the passing of this Act shall stand indebted to the aforesaid Association in any Sum or Sums of Money shall be liable for the

the Payment thereof to the Company hereby incorporated, or to their Treasurer or other Person or Persons to be appointed by the said Company to receive the same, and in case of Nonpayment thereof or of any Part thereof the said Company are hereby empowered to proceed for the Recovery thereof, and to recover the same.

Power of the Company to contract for lighting Streets, &c. 38 G. 3. c. 26.

LXIV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to enter into or make any Contract or Agreement with the Commissioners acting in execution of an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better paving, lighting, and cleansing the Streets, Lanes, and other public Passages and Places in the Town of* Newark-upon-Trent *in the County of* Nottingham; *and for removing the Market for Butchers Meat in the said Town, and for regulating the said Market; and for repealing an Act made in the Twenty-seventh Year of the Reign of Her late Majesty Queen* Elizabeth, intituled '*An Acte for the pavinge of* Newarke-upon-Trent *in the Countie of* Nottingham,' or with any other Commissioners, or with the Council of the said Borough of *Newark*, or any other Body or Bodies Corporate, Inspectors, Trustees, Surveyors, or other Person or Persons having the Control, Direction, or Management of the several Streets, Roads, Lanes, Bridges, and other public Passages and Places, or any of them, in the said Borough of *Newark* or the Neighbourhood thereof within the said several Parishes or Places of *Hawton*, *Farndon*, and *East Stoke*, or any of them, for lighting or supplying the same Streets, Roads, Lanes, Bridges, and other public Passages or Places, or any of them, or any Part thereof, with Gas, or for providing the same with Lamp Pillars and Posts, Lamp Brackets, Lamps, Glass, and Repairs thereof; and also to make and enter into any Contract or Agreement with any Owner, Proprietor, Occupier, Body Corporate, or other Person or Persons whomsoever, for lighting or supplying with Gas any Churches, Chapels, Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, or other public or private Buildings, in such Manner, under such Stipulations and Conditions, upon such Terms, and for such Rents and Sums of Money as shall be agreed upon by and between the said Company and the respective Commissioners, Council, Bodies Corporate, Inspectors, Trustees, Surveyors, or other Persons respectively; 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.

Recovery of Rents.

LXV. And be it further enacted, That in case any Commissioners, Council, Bodies Corporate, Inspectors, Trustees, Surveyors, or other Person or Persons who shall contract or agree with the said Company or their Lessee or Lessees for the Time being, or agree to take or shall sue or enjoy the said Gas, Gas Meters, and Fittings, or any of them, shall refuse or neglect for the Space of Ten Days after Demand in Writing to pay the Sum or Sums of Money then due under their, his, or her Contract or Agreement for the same to the said Company or their Lessee or Lessees, according to the Terms and

Stipulations of the said respective Parties with the said Company or their Lessee or Lessees, it shall be lawful for the said Company or their Committee of Directors, or the Lessee or Lessees for the Time being of the said Company, or any other Person or Persons acting by or under their Authority, to levy the said Sum or Sums of Money in respect whereof such Refusal or Neglect shall happen, together with Costs, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing 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 Demise may by Law be recovered, rendering the Overplus (if any) to such Person or Persons so neglecting or refusing, after the necessary Charges of making such Distress and Sale shall be first deducted; or such Sum or Sums of Money, in case the same exceed Twenty Pounds, with full Costs of Suit, may be recovered in any of Her Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Plaint, or Information; and it shall also be lawful for the said Commissioners or their Lessee or Lessees for the Time being to cut off and take away the Supply of Gas from the Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, public or private Building, Ground, or Premises of every such Person or Persons so making default in Payment of such Sum or Sums of Money then due by his, her, or their Contract to the said Company or their Lessee or Lessees for the Time being, for the Space of Ten Days after such Demand as aforesaid, and thenceforth to discontinue the Supply of Gas contracted or agreed for by such Person or Persons: Provided nevertheless, that such Distress or Distresses shall not be repleviable, but in case any Dispute or Difference in Cases not exceeding Twenty Pounds shall arise respecting the same such Dispute or Difference shall or may be settled by any Justice or Justices of the Peace for the County, Borough, or Place where such Distress shall be made, 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.

How Debts may be proved in case of Bankruptcy.

LXVI. And be it further enacted, That in case any Fiat of Bankruptcy shall be awarded against any Person who shall be indebted to the said Company, or against whom the said Company shall have any Claim or Demand, it shall be lawful for the Treasurer or Clerk of the said Company for the Time being to appear and he is hereby authorized to appear and act on behalf of the said Company, in respect of any such Claim, Debt, or Demand, before the Commissioners under any such Fiat of Bankruptcy, either personally or by his Affidavit, to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Fiat; and such Treasurer or Clerk shall in all such Cases be admitted and allowed to make Proof or Tender or Claim under any such Fiat on behalf of the said Company in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in his Choice of Assignees and signing Certificates, and otherwise, in respect of any Debt admitted to be proved on behalf of the said Company, as any other Person being a Creditor

Creditor of such Bankrupt in his own Right would have in respect of the Debt proved by him under such Fiat.

Contracts to be binding though not under Seal.

LXVII. Provided always, and it is hereby enacted, That all Contracts and Agreements for and concerning the making or supplying of Gas, or for or concerning the Purchase or Sale of any Goods, Wares, or Merchandizes, shall be binding upon and between the said Company and any Person or Persons or Bodies Politic, notwithstanding such Contract or Bargain may not be under Seal either of the Company or such Person or Persons or Body Politic.

Penalty on Washings draining into Wells.

LXVIII. 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 Company or other Person or Persons as aforesaid shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Privilege, nor more than One Imparlance, shall be allowed, and the whole thereof shall be paid to the Body or Bodies Politic or Corporate or 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 Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over, above, and in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall have been sued for or recovered or not,) in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, or Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Body or Bodies Politic or Corporate

porate or Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Company or Person or Persons as aforesaid, and the said Company or Person or Persons shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome and offensive Liquids, Substances, or Things from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company or Person or Persons shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and the Amount of such last mentioned Penalty shall and may be adjudged, recovered, and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

For stopping the Escape of Gas.

LXIX. 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 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 before One Justice of the Peace for the County, Borough, or Place where such Escape of Gas shall take place, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of such Justice, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

For the Protection of Water Pipes.

LXX. And be it further enacted, That when and so often as the said Company, their Servants, Agents, or Workmen, shall dig or sink any Trench or Trenches for laying any Main or Mains, Pipe or Pipes, or other Apparatus, or shall open any Ground for the Purposes of this Act, or any of them, in, upon, or near to which any Water Pipe

or Water Pipes shall have been laid or placed for the Purpose of conveying Water into or about the said Borough or the Neighbourhood thereof, or any Branch of any such Water Pipe for the Service or Supply of any Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, 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 Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, public or private Buildings supplied by such Branch or Service Pipe, as the Case may be, and on every such Occasion the said Company, their Servants, Agents, and Workmen, shall, under the Inspection of such Proprietors or Persons or Occupiers, or their or his Surveyor or Agent (as the Case may be), protect and secure such Pipe or Pipes from any Injury or Damage, and shall also repair and make good any Damage that shall and may be done to any such Water Pipe or Pipes on such Occasion; and on default being made in any of the Matters aforesaid the said Company shall forfeit and pay to the Proprietors or Persons or Occupiers (as the Case may be) any Sum not exceeding Five Pounds, together with the Costs and Expences which shall have been incurred by them, him, or her in the securing or protecting or in repairing and making good any Injury or Damage that may be done to such Pipe or Pipes by the Means aforesaid, such Costs and Expences, and also the Amount of such Penalty as aforesaid, to be ascertained and fixed by any Justice of the Peace for the County, Borough, or Place where the same shall take place, and to be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, and which Warrant such Justice is hereby empowered to grant.

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

LXXI. 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 Street, Road, Lane, Bridge, or other public Passage or Place within the said Borough and the Neighbourhood thereof shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof at the Distance of Four Feet at least from the nearest Part of any Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Roads, Lanes, Bridges, and other public Passages and Places, unless in Cases where it shall be unavoidably necessary to lay the said Gas Pipes or other Conduits across any of such Water Pipes, in which Cases the said Gas Pipes or other Conduits shall be laid at the greatest practicable Distance from the said Water Pipes, and shall form therewith as near as possible a Right Angle, and in such Cases the said Gas Pipes or other Conduits so crossing any such Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any of the said Water Pipes than Four Feet at the least; and in laying down any such Gas Pipes or other Conduits no Two or more of such Gas Pipes or other Conduit Pipes shall in any Case be joined together

previous to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench, and the Jointing with the other Pipes to be added thereto shall be done and completed after such Pipes shall be so laid or placed in the Trench, with proper and sufficient Materials; and all and every such Pipes or Conduits, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept and continued Air-tight, so that in all and every respect the said Gas shall be prevented from escaping therefrom and from every Part thereof at all Times, upon pain of Forfeiture by the said Company or Person or Persons offending for every such Offence of any Sum not exceeding Ten Pounds.

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

LXXII. 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 Politic or Corporate or Person whose Water shall be so contaminated, or the Party or Person using any such Water and suing for such Penalty; and in case such Water shall be contaminated or affected by the said Gas in any way whatsoever, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall, within Twenty-four Hours after Notice thereof in Writing, signed by the Clerk or other Officer of any Corporation, or by any Person whose Water shall be so contaminated or affected, or by any Person or Persons consuming such Water, to be left at the usual Office or Place of transacting Business of the said Company, or Body Politic or Corporate, or Person or Persons aforesaid, cause the most proper and effectual Measures to be taken to stop and prevent Gas from contaminating or affecting any such Water; and in case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Committee for the Time being of any Company of Proprietors of Waterworks, or other Body Politic or Corporate, or to the Owners or Proprietors of any Water Pipes, Well, or Pond, or to the Person or Persons consuming any such Water and making such Complaint as aforesaid, for the Use and Benefit of the same Body or Bodies Politic or Corporate, Owners or Proprietors, or Person or Persons, over and above the before-mentioned Penalty of Twenty Pounds, any Sum not exceeding Ten Pounds

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.

For ascertaining if the *Water* be contaminated.

LXXIII. 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, after giving Twenty-four Hours Notice in Writing to the Commissioners, Council, Body or Bodies Politic or Corporate, Inspectors, Trustees, Surveyors, or Persons under whose Control or Superintendence any Streets, Roads, Lanes, Bridges, or other public Passages or Places may be, or to the Party or Person having the Property of or in any Ground, Stones, Soil, or Pavement (as the Case may be), and having an Order signed by any Justice of the Peace of the County, Borough, or Place where such Streets, Roads, Lanes, Bridges, or other public Passages or Places shall be situate, which Order such Justice is hereby required to grant on Oath made before him that such Water is believed to be contaminated, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company, or of the said Body Politic or Corporate, or Person or Persons aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or that the said Water has been contaminated by any Escape of Gas of the said Company, or of the said Body Politic or Corporate, or Person or Persons afosesaid; 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 Street, Road, Lane, Bridge, 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 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 make good to the Company, or such Body Politic or Corporate, or Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company, or of such Body Politic or Corporate, or Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement or Ground of the said Streets, Roads, Lanes, Bridges, or other public Passages or Places so broken or disturbed in such Search or Examination, the Amount

Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice of the Peace as aforesaid, and recoverable in like Manner as any Penalty may be recovered by virtue of this Act.

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

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 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.

Penalty for interrupting Company's Workmen.

LXXV. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Company, or their Clerks, Surveyors, Engineers, or other Officers, or any of them, in doing and 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 the same to be done, and shall be thereof convicted before One Justice of the Peace for the County, Borough, or Place where the same shall take place, 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, not exceeding Five Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption.

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

LXXVI. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Pipe to communicate with any Pipe belonging to the said Company, nor fit or alter any of the Fittings of any Pipe or Pipes belonging to the said Company, without the Consent of the said Company in Writing first had and obtained, nor use Burners of larger Dimensions or in any other Manner than he, she, or they shall contract to pay for, or supply any Inhabitant or other Person with any Part of such Gas, on pain of forfeiting and paying to the said Company any Sum not exceeding the Sum of Ten Pounds, and also the further Sum of Forty Shillings *per* Day for every Day such Pipe shall so remain or such Excess be so committed or Supply furnished.

Penalty on wilfully damaging Pipes, &c.

LXXVII. And be it further enacted, That if any Person shall wilfully or maliciously destroy, damage, or injure, or cause to be destroyed, damaged, or injured, any Pipe, Pedestal, Post, Plug, Lamp, Lamp Glass, Burner, or other Apparatus, Matter, or Thing, Buildings, Works, or Appurtenances, or any Part thereof respectively, belonging

belonging to the said Company or to any other Person or Persons, and by such Person or Persons placed or fixed for or in respect of his, her, or their Use of Gas furnished by the said Company, or shall wilfully or maliciously extinguish or put out any One or more of the public Lamps or Lights, or wilfully or maliciously waste or improperly use any of the Inflammable Air or Gas supplied by the said Company, or shall alter, exchange, or remove the Burners from the Pipes of Supply, or shall wilfully or maliciously 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, either by removing or disturbing the Ground or Soil wherein or whereon the same is or are laid or placed, or by the Compression or subsequent settling or lowering of the same at any Time or Times afterwards, or by any other Means whatsoever, every Person so offending in any of the respective Premises, and being thereof convicted before One Justice of the Peace for the County, Borough, or Place where such Act or Offence shall be done or committed, shall for each and every such separate Act or Offence forfeit and pay to the said Company or to such other Person or Persons as aforesaid (as the Case may be) any Sum not exceeding Ten Pounds, and the Amount of Damage done or occasioned.

Satisfaction for accidental Damages of Lamps, &c.

LXXVIII. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, destroy, throw down, damage, or injure any Lamp or Lamps hung out, set up by, or belonging to the said Company, or by any Person or Persons, or any Pipe, Pedestal, Post, Plug, Lamp, Lamp Glass, Burner, or other Apparatus, Matter, or Thing belonging thereto or to the said Company, or belonging to any Person or Persons, and set up by him, her, or them at his, her, or their private Expence, or waste any Inflammable Air or Gas supplied by the said Company, or keep the Light or Lights burning for a longer Time than he, she, or they shall have contracted to pay for, or shall not, upon Demand by the said Company or their Committee of Directors, or their Clerk or Engineer, or other Person or Persons authorized by them, make Satisfaction for the Damage done or the Excess of Gas obtained and used by keeping the Lights burning longer than they shall have contracted for as aforesaid, then and in every such Case it shall be lawful for any One Justice of the Peace for the County, Borough, or Place where the same shall take place, and he is hereby empowered and required, upon Complaint to him made, to summon before him the Party or Parties against whom such Complaints 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 shall think reasonable; and in case of Refusal or Neglect to pay any Sum or Sums of Money so awarded within Ten Days next after Demand, the same shall be levied and recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, and it shall be lawful for such Justice and he is hereby required to cause the same, together with all Costs and Charges attending the Recovery thereof, to be levied in such and the like

Manner as any Penalty or Forfeiture is by this Act directed to be levied or recovered.

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

LXXIX. And be it further enacted, That when by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice of the Peace by or before whom any Offender or Offenders shall be convicted of any such Offence or Offences; and such Justice is hereby authorized and required, on Nonpayment of any such Damages and Charges, or any Part thereof, to cause the same to be recovered and levied in such and the like Manner as any Penalty or Forfeiture is by this Act directed or authorized to be recovered and levied: Provided always, that in case such Damages shall amount to or exceed the Sum of Twenty Pounds then the same shall be sued for and recovered by Action of Debt or on the Case.

In case of Nonpayment of Penalties or Compensation for Damages by the Company.

LXXX. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered by any Justice of the Peace to be paid, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company or their Treasurer to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made upon the said Company or their Treasurer, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction 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 their Treasurer, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money so directed or ordered to be paid 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.

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

LXXXI. And be it further enacted, That the said Company shall and they are hereby required to appoint a Treasurer, and to take sufficient Security from such Treasurer for the Performance of his Trust; and all Penalties, Forfeitures, and Damages, and any Sum or Sums of Money payable by the said Company by virtue of this Act, and which might by virtue of this Act be levied or recovered by Distress and Sale of the Goods and Chattels of the said Company, or by Execution upon the said Company, may be levied and recovered by Distress

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

Recovery and Application of Penalties.

LXXXII. And be it further enacted, That all Penalties and Forfeitures by this Act directed or authorized to be inflicted or 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 having Jurisdiction where the respective Acts or Offences shall be committed, upon Proof of the Acts or Offences respectively before any Justice, either by Confession of the Party offending or by the Oath (or, being a Quaker, by the Affirmation) of any credible Witness or Witnesses, which 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 the same shall be levied, together with the Costs attending the Information, Hearing, and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered to grant), and the Surplus (if any), after such Penalties or Forfeitures, and the Costs of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case any such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their

Appearance

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 or Forfeitures 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, and Costs may be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Borough, or Place where such respective Penalties and Forfeitures shall be incurred, or the respective Acts or Offences committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures respectively, and all reasonable Costs attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties and Forfeitures respectively, when paid or levied, if not otherwise directed to be applied by this Act, may be from Time to Time paid to the Overseer of the Poor of the Place where the Offence shall have been committed, and shall be by such Overseer applied in aid of the Poor's Rate of such Place, or the same may be paid to the Treasurer or Receiver of any public Charity in the said Borough of *Newark*, to be applied for the Use of such Charity, at the Discretion of the said Justice.

Mode of proceeding in the Recovery of Penalites.

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

For securing Offenders unknown.

LXXXIV. And be it further enacted, That it shall be lawful for the said Company, or any Member of the same, or for any Clerk, Surveyor, Collector, or other Officer or Servant of the said Company, and such Person or Persons as they or any of them shall call to his or their Assistance, without any Warrant or other Authority than this

this Act, to seize and detain any Person or Persons, being unknown to such Company, Member, Clerk, Surveyor, Collector, or other Officer or Servant who shall commit any Offence or Offences against this Act, and to deliver him, her, or them into the Custody of any Police Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the County, Borough, or Place where such Offence shall be committed, and such Justice or Justices is and are hereby required to proceed and act with regard to such Offender or Offenders according to the Provisions of this Act.

For the Conviction of Offenders.

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

Form of Conviction.

'BE it remembered, That on Day of in the Year of our Lord is [*or* are] convicted 'before me, One of Her Majesty's Justices of the Peace for the ' by virtue of an Act passed in the Second Year 'of the Reign of Her Majesty Queen *Victoria*, intituled [*here 'insert the Title of this Act*], of having [*specifying the Offence, and 'Time and Place when and where the same was committed, as the Case 'shall be*], contrary to the said Act, and for which Offence I do 'adjudge the said to have forfeited the Sum of ' Given under my Hand and Seal the Day and Year 'first above written."

Complaint to be lodged within Six Calendar Months.

LXXXVI. Provided always, 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 inflicted or authorized to be imposed by virtue of this Act for any Offence or Offences against the same herein-before made cognizable before a Justice of the Peace as aforesaid, unless the Complaint respecting such Offence or Offences shall have been made before some Justice within Six Calendar Months next after the committing of such Offence or Offences.

Power of Appeal to General or Quarter Sessions.

LXXXVII. And be it further enacted, That any Body or Bodies Politic or Corporate, or any Person whomsoever, thinking themselves or himself aggrieved by any Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Four Calendar Months after the Cause of Complaint shall have arisen, or next after any Determination shall have been had or made thereon, in pursuance of this Act, appeal to the General or Quarter Sessions of the Peace to be holden for the County, Borough, or Place where such Order or Determination shall be made, the Person or Persons appealing having first given at the least Ten Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person so appealed against, and forthwith after such Notice enter into a Recognizance before some Justice of the Peace having Jurisdiction, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Court of General or Quarter Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall

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in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or if the said Court shall think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County, Borough, or Place, and if such Court shall see Cause, may mitigate any Damages or Charges, Penalty, Forfeiture, or Fine, and may order any Money to be returned which shall have been levied, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as such Court shall judge reasonable and proper; and all such Determinations of the said Court of General or Quarter Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Compelling Attendance of Witnesses.

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

Corruptly swearing. perjury.

LXXXIX. And be it further enacted, That if any Witness who shall be examined by or before any Justice of the Peace, or otherwise, under this Act, upon Oath or Affirmation, shall wilfully and corruptly give false Evidence, and shall be thereof lawfully convicted, every such Person so giving false Evidence shall be subject to the same Punishment as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Persons making false Declarations to be guilty of a Misdemeanor. 5 & 6 W. 4. c. 62.

XC. And be it further enacted, That where in this Act a Declaration shall be used for the Purpose of Confirmation of written Instruments or Allegations 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 late Majesty King *William* the Fourth, 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.

XCI. And

Distress not unlawful for Want of Form.

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

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

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

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

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

Execution may be issued against any Holder of a Share.

XCIV. And be it further enacted, That in case any Execution upon any Judgment or Decree in any Action, Suit, or other Proceeding obtained against the said Company, whether as Plaintiff or as Defendant or Respondent, shall be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, upon the Application of the Party or Parties, after Seven Days previous Notice in Writing, to be signed by the Attorney or Agent of the Party so applying, to be given to or left at the Place of Abode of the Person against whom the Application may be intended to be made, who shall have obtained such Judgment or Decree against the said Company, to issue Execution against any Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the Capital or Joint Stock of the said Company: Provided always, that in case such last-mentioned Execution against such Proprietor or Proprietors shall also be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the said Court, upon Motion to be made in open Court, after Seven Days previous Notice in Writing as herein-before provided to the Person

Person or Persons sought to be charged, to issue Execution against any other Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the said Capital or Joint Stock of the said Company: Provided also, that the Sum which shall be recovered from the Proprietor of any such Share or Shares shall not in any Case exceed the Sum or Sums remaining unpaid upon the Share or Shares of which such Proprietor shall be possessed, and for the Payment of which Sum or Sums such Proprietor would have been liable if called for by the said Company; provided also, that the Sum recovered from any such Proprietor shall be considered as so much Money advanced to and for the Use of the said Company; and it shall be lawful for the said Company to make Calls in respect of any Share belonging to such Proprietor for such Sum of Money only as, together with the Sums already paid thereon, and the Sum recovered from such Proprietor in respect thereof, shall amount to the Sum of Ten Pounds for each such Share: Provided also, that for the Purpose of ascertaining the Proprietors of the said Shares it shall be lawful for any Judgment Creditor, or Creditor by Decree, at all seasonable Times to inspect the Book containing the List of the Proprietors of Shares in the said Capital or Joint Stock of the said Company, without Fee or Reward.

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

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

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

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

Expences of this Act how to be paid.

XCVII. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number shall extend to

Rules for Construction of certain

Terms of the Act.

and include several Persons, Matters, or Things, as well as One Person, Matter, or Thing, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals; and every Word importing the Plural Number shall be applied to One Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender shall extend to and include Females as well as Males, unless it be otherwise specially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

Abstract of Accounts to be transmitted to the Clerk of the Peace.

XCVIII. And be it further enacted, That an annual Account in abstract shall be prepared of the total Receipts and Expenditure of all Funds to be levied under this Act for the past Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account, duly audited, and certified by Three or more of the Directors of the said Company; and a Copy of such annual Account shall be transmitted, free of Charge, to the Clerk of the Peace for the said County of *Nottingham* on or before the First Day of *January* in each Year, and in case of Neglect the said Company shall for each Offence forfeit and pay the Sum of Twenty Pounds, to be recovered, levied, and applied in like Manner as any Penalty or Forfeiture payable by the said Company may under the Powers or Provisions of this Act be recovered, levied, and applied.

Saving the Rights of the Commissioners of Paving.

XCIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, lessen, or defeat, or in any Manner to derogate from any of the Estates, Rights, Powers, Privileges, or Authorities of the Commissioners acting in execution of an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, for the better paving, lighting, and cleansing the Streets, Lanes, and other public Passages and Places in the Town of *Newark-upon-Trent* aforesaid, and which they the said Commissioners might lawfully claim, use, or exercise, nor from the Rights, Powers, Privileges, or Authorities of any other Persons having the Superintendence, Control, or Management of any Street, Road, Lane, public Passage or Place, or of any Pavement, Ground, or Soil thereof, within the Limits of this Act, nor to affect the Qualification of any Person.

Public Act.

C. 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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