ANNO SEXTO

VICTORIÆ REGINÆ.

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Prothero, Thomas Cooke, Lewis Edwards, Elizabeth Brewer, Jacob Jenkins Nicholas, Charles Prothero, Stephen Towgood, Philip Jones, Matthew Moggridge, John Harford, William Weaver Davies, William Williams the younger, *Thomas Robert Williams, Charles King, Rebecca Harrhy, Thomas Hughes, Richard Mulloch, Richard Burton* the younger, *George Gething, Eliza Owen,* and all other Parties who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes herein-after mentioned, and for such Purposes shall be incorporated by the Name of "The *Newport* Gas Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power from Time to Time to purchase and to hold Lands, subject to the Restrictions herein-after contained, for the Purposes of this Undertaking.

Purposes of the Company.

II. And be it enacted, That the Company shall be established for the Purpose of manufacturing Gas, and for providing Gasometers, and all Apparatus, Machinery, and Buildings necessary for that Purpose, and for lighting with Gas the several Streets, Roads, Lanes, public Passages, Churches, Chapels, Places, and Buildings, and also the several Shops, Taverns, private Houses, Warehouses, and other Buildings within the Limits of this Act, and also for selling and disposing of Coke, and of every Product, Refuse, or Residuum arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, in such Manner as the said Company may think proper.

Capital.

III. And be it enacted, That Nine thousand Pounds shall be the Capital of the said Company.

Amount and Number of Shares.

IV. And be it enacted, That the said Capital shall be divided into Three hundred and sixty Shares, each of the Amount of Twenty-five Pounds, and such Shares shall be numbered in arithmetical Progression, beginning with Number One, and every Share shall be distinguished by its appropriate Number: Provided nevertheless, that no Person shall at any Time hereafter hold more than Sixty original Shares in the said Undertaking, and a proportionate Number of any additional Shares to be created by this Act, as herein-after mentioned, otherwise than by Devise, or by virtue of the Statute for the Distribution of Intestates Effects.

Interest of Shareholders.

V. And whereas the said several Persons have subscribed and paid the Sum of Nineteen Pounds Nine Shillings *per* Share, for the Purposes of the said Undertaking, and have also, in addition thereto, paid the further Sum of Five Pounds Eleven Shillings *per* Share for such Purpose out of the net Gains and Profits arising from the said Undertaking; be it therefore enacted, That every Person now entitled to a Share in the said Undertaking shall be entitled to a Share to the Amount of Twenty-five Pounds created by this Act, without making any further Payment in respect thereof, and that the Capital or Joint Stock of the said Company shall be and is hereby vested in the several Persons who now hold One or more Shares in the said Undertaking, their

their several and respective Executors, Administrators, Successors, and Assigns, proportionably to the Number of Shares which they may severally possess therein; and every Person who may hold One or more such Share or Shares shall be entitled to and receive, at such 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 him, of the net Profits and Advantages of the said Undertaking that shall arise and accrue to, or be raised, recovered, or received by the said Company; and every Person 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 every Person who is now entitled to and in the actual Possession of any of the Shares in the said Undertaking, and every Person who after the passing of this Act shall 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 Company, shall be deemed to be a Proprietor of the said Undertaking and a Member of the Company, subject to the Provisions and Regulations in this Act contained.

Power to raise additional Capital.

VI. And be it enacted, That it shall be lawful for the said Company, at any Time hereafter, and from Time to Time, to raise any further Sum of Money, not exceeding, together with the said Sum of Nine thousand Pounds, the Sum of Fifteen thousand Pounds, for increasing the Capital or Joint Stock of the said Company, either by Subscription among themselves, or by the Admission of new Subscribers, or by borrowing Money at Interest on Mortgage or Bond (subject to the Restrictions herein-after contained), or by all or any of such Ways.

Shares to be personal Estate.

VII. And be it enacted, That all the Shares in the said Undertaking shall be Personal Estate, and be transmissible as such, and shall not be of the Nature of Real Estate.

Shareholders not to be disqualified from acting as Commissioners under the Newport Improvement Act.

VIII. And be it enacted, That no Person who is or shall be a Shareholder of the Company established by this Act shall by reason of his being such Shareholder be disqualified from acting as a Commissioner for carrying into execution the Powers of the "Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Town and Borough of *Newport*" aforesaid, in case such Person shall in all other respects be duly qualified according to the true Intent and Meaning of the said Act; but such Shareholder shall not vote as a Commissioner as aforesaid in any Question in which the said Company may be interested, or in any Question respecting the lighting the said Town with Gas under the Powers of the Act aforesaid.

Registry of Shareholders.

IX. And be it enacted, That the Company shall keep a Book, to be called "The Register Book of Shareholders," and in such Book shall be fairly and distinctly entered from Time to Time the Names of the several Corporations, and the Names and Additions of the several Persons being Shareholders of the Company, and the Number of Shares to which such Shareholders shall be respectively entitled, dis-

distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the First Ordinary Meeting, or at some subsequent Meeting of the Company.

Certificates of Shares.

X. And be it enacted, That, on Demand of the Holder of any Share, the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder, and such Certificate shall have the Common Seal of the Company affixed thereto, and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled, and the same may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Certificates to be Evidence.

XI. And be it enacted, That such Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder, his Executors, Administrators, Successors, or Assigns, to the Share therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificates to be renewed when destroyed.

XII. And be it enacted, That if any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate, and of the Share therein mentioned, shall be at the Time vested; or if such Certificate be lost or destroyed, then, upon Proof thereof, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Clerk in the Register of Shareholders; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Transfer of Shares to be registered, &c.

XIII. And be it enacted, That, subject to the Regulations herein contained, every Shareholder may sell and transfer his Shares in the Company by Deed duly stamped, in which the Consideration shall be truly stated, and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect, and the same, when duly executed, shall be delivered to the Clerk, and be kept by him, and the Clerk shall enter a Memorial thereof in a Book to be called the "Register of Transfers," and shall indorse such Entry on the Instrument of Transfer; and for every such Entry and Indorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence; and, on the Request of the Purchaser of any Share, an Indorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted; and for such Indorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence; and such Indorsement, being signed by the Clerk, shall be considered in every respect the same as a new Certificate; and until such Transfer have been so delivered to the Clerk as aforesaid the Purchaser of the Shares shall not be entitled

titled to receive any Share of the Profits of the said Undertaking, or to vote in respect of such Share.

Transfer not to be made until all Calls paid.

XIV. And be it enacted, That no Shareholder shall be entitled to transfer any Share until he shall have paid all Calls for the Time being due on every Share held by him.

Transmission of Shares by other Means than Transfer to be authenticated by a Declaration.

XV. And with respect to the Registration of Shares the Interest on which may have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other legal Means than by a Transfer according to the Provisions of this Act, be it enacted, That no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the said Undertaking, nor to vote in respect of any such Share as the Holder thereof, until such Transmission have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master or a Master Extraordinary in the High Court of Chancery; and such Declaration shall be left with the Clerk, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Shareholders of the Company; and for every such Entry the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Proof of Transmission by Marriage, Will, &c.

XVI. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Shareholder the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any Testamentary Instrument, or by Intestacy, the Probate of the Will, or Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Clerk; and upon such Production in either of the Cases aforesaid the Clerk shall make an Entry of the Declaration in the said Register of Transfers.

Notices to Joint Proprietors of Shares.

XVII. And be it enacted, That with respect to any Share to which several Persons may be jointly entitled, all Notices directed to be given to the Shareholders shall be given to such of the said Persons whose Name shall stand first in the Register of Shareholders, and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

Receipts for Money payable to Minors, &c.

XVIII. And be it enacted, That if any Money be payable to any Shareholder, being a Minor, Idiot or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Company not bound to regard Trusts.

XIX. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividends or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Power to make Calls.

XX. And be it enacted, That from Time to Time the Company may make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as they shall think fit; provided that Thirty Days Notice at least be given of each Call, and that no Call exceed the Amount of Five Pounds per Share, and that successive Calls be not made at less than the Interval of Two Calendar Months; and every Shareholder shall be liable to pay the Amount of the Calls so made in respect of the Shares held by him to the Persons and at the Times and Places from Time to Time appointed by the Company.

Interest on Calls unpaid.

XXI. And be it enacted, That if before or on the Day appointed for Payment any Shareholder do not pay the Amount of any Call to which he may be liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof to the Time of the actual Payment.

Enforcement of Calls by Action.

XXII. And be it enacted, That if at the Time appointed by the Company for the Payment of any Call the Holder of any Share fail to pay the Amount of such Call the Company may sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, from the Day on which such Call may have been payable.

Declaration in Action for Calls.

XXIII. And be it enacted, That in any Action to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to declare that the Defendant is a Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount, in respect of One Call or more, upon One Share or more, (stating the Number and Amount of each such Call,) whereby an Action hath accrued to the Company by virtue of this Act.

Matter to be proved in Action for Calls.

XXIV. And be it enacted, That on the Trial of such Action it shall be sufficient to prove that the Defendant at the Time of making such Call was a Holder of One Share or more in the Company, and that such Call was in fact made, and such Notice thereof given as is directed

directed by this Act, and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the Amount of Five Pounds *per* Share, or that due Notice of such Call was not given, or that the Interval of Two Calendar Months between Two successive Calls had not elapsed.

Proof of Proprietorship.

XXV. And be it enacted, That the Production of the Register Book of Shareholders of the Company shall be *primâ facie* Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares.

Forfeiture of Shares for Nonpayment of Calls.

XXVI. And be it enacted, That if the Holder of any Share fail to pay a Call payable by him in respect thereof, together with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Two Months from the Day appointed for the Payment of such Call, may declare such Share forfeited, and that whether the Company have sued for the Amount of such Call or not.

Notice of Forfeiture to be given before Declaration thereof.

XXVII. And be it enacted, That before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at the usual or last Place of Abode of the Person appearing by the Register Book of Shareholders to be the Proprietor of such Share; and if the Holder of any such Share be abroad, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer, as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *London Gazette*, and also in some Newspaper, as after mentioned; and the several Notices last aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

Forfeiture to be confirmed by a General Meeting.

Sale of forfeited Shares.

XXVIII. And be it enacted, That such Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of any Share until such Declaration have been confirmed at some General Meeting of the Company to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of; and after such Confirmation the Directors may sell the forfeited Share, either by public Auction or private Contract, and if there be more than One such forfeited Share then either separately or together, as to them shall seem fit; and any Shareholder may purchase any forfeited Share so sold.

Evidence as to Forfeiture of Shares.

XXIX. And be it enacted, That a Declaration in Writing, by some credible Person not interested in the Matter, made before any Justice, or

or before any Master or Master Extraordinary in the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share, and thereupon such Purchaser shall be deemed the Holder of such Share, discharged from all Calls made prior to such Purchase; and a Certificate of Proprietorship shall be delivered to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to any such Sale.

No more Shares to be sold than sufficient for Payment of Calls.

XXX. And be it enacted, That the Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Shares be more than sufficient to pay all Arrears of Calls, and Interest thereon, due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on Demand, be paid to the Defaulter.

Extent of Liability of Shareholders.

XXXI. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company not then paid up; provided that this Act shall not extend to protect the Shareholders from Liability in respect of their present Debts and Engagements.

Execution against Shareholders to the Extent of Capital not paid up.

XXXII. And be it enacted, That if any Execution, either at Law or in Equity, shall have been issued, taken out, or sued against the Lands, Property, or Effects of the Company, or if there cannot be found sufficient whereon to levy such Execution, then such Execution may be issued against any of the Shareholders of the Company to the Extent of their Shares respectively in the Capital of the Company not then paid up: Provided always, that no such Execution shall issue against any Shareholder, except under an Order of the Court, in which the Action, Suit, or other Proceeding shall have been brought or instituted, made upon Motion in open Court, after Notice in Writing to the Persons sought to be charged; and upon such Motion such Court may order Execution to issue accordingly; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution at all reasonable Times to inspect the Register Book of Shareholders without Fee.

Reimbursement.

XXXIII. And be it enacted, That if by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount

Amount then due from him in respect of Calls, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to borrow Money.

XXXIV. And be it enacted, That it shall be lawful for the said Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of Five thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Works, Rates, and Rents, and the future Calls on the Shareholders of the Company, or to give Bonds in manner herein-after mentioned; provided that the Consent of the Holders or Proprietors of Four Fifths of the Shares in the said Undertaking be obtained to such borrowing.

Reborrowing.

XXXV. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time, but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the Company, and the Consent of the Holders or Proprietors of the like Number of Shares as is hereby required in case of an original borrowing, unless the Money be so borrowed in order to pay off any existing Mortgage or Bond.

Evidence of Authority for borrowing.

XXXVI. And be it enacted, That the Copy of an Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Clerk to be a true Copy, shall be sufficient Evidence of the Order for borrowing Money having been duly made, and of the Consent of the requisite Number of Shareholders having been obtained, as required by this Act.

Mortgages and Bonds.

XXXVII. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in Schedule (C.) to this Act annexed, or to the like Effect.

Rights of Mortgagees.

XXXVIII. And be it enacted, That the respective Mortgagees and Obligees shall be entitled one with another to their respective Proportions of the Rates, Rents, Sums, and Premises comprised in such Mortgage or Bond, according to the respective Sums thereby mentioned to be secured, and to be repaid the Sums advanced, with Interest, without any Preference one above another by reason of Priority of the Date of any such Mortgage or Bond, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Application of Call, notwithstanding Mortgage.

XXXIX. And be it enacted, That no such Mortgage or Bond (although it shall comprise future Calls on the Shareholders) shall preclude the Company from receiving, and applying to the Purposes of the Company, any Calls to be made by the Company, so long as the

Principal Money due on Mortgage does not exceed the Amount of all the Calls still remaining to be made.

Register of Mortgages and Bonds.

XL. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the Clerk, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Undertaking, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Transfer of Mortgages and Bonds.

XLI. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (D.) to this Act annexed, or to the like Effect.

Entry of Transfers of Mortgages and Bonds.

XLII. And be it enacted, That within One Month after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Twenty-one Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk, and thereupon the Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Payment of Interest on Loans.

XLIII. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Transfers of Interest to be stamped.

XLIV. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferable except by Deed duly stamped.

Repayment of Money borrowed at a Time fixed.

XLV. And be it enacted, That the Company may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof; and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage or Bond.

Mortgagees not to vote.

XLVI. And be it enacted, That no Party shall in right of any Mortgage be deemed a Shareholder, or be capable of acting or voting as such at any Meeting of the Company.

XLVII. And

Access to Account Books by Mortgagees.

XLVII. And be it enacted, That at all reasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

New Shares to be considered same as original Shares.

XLVIII. And be it enacted, That the Capital to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares or Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares at a Premium, new Shares to be offered to original Shareholders.

XLIX. And be it enacted, That if at the Time of any such Augmentation of Capital taking place by the Creation of new Shares the then existing Shares of the Capital Stock of the Company shall be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion of One for every existing Share held by them respectively, and such Offer shall be made by Letter under the Hand of the Clerk, given to or sent by Post to each Shareholder, or left at his usual or last Place of Abode; and such new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company, at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for Two Months after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof for such Sum as the Company can obtain for the Same.

If not at a Premium, to be issued as the Company think fit.

L. And be it enacted, That if at the Time of such Augmentation of Capital taking place the existing Shares of the Capital Stock of the Company shall not be at a Premium, then such new Shares may be offered at such Amount and may be issued in such Manner as the Company shall think fit.

Application of Capital.

LI. And be it enacted, That all the Money raised by the Company, whether by Subscription of the Shareholders, or by Loan, or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or relating thereto, and, secondly, in carrying the Purposes of the Company into execution.

Ordinary Meetings to be held half-yearly.

LII. And with respect to General Meetings of the Company, be it enacted, That the First General Meeting of the Shareholders of the Company shall be held within Six Weeks after the passing of this Act, and the future General Meetings shall be held in the Second Week

Week in *July* and the Second Week in *January* in each Year, and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held at the Town of *Newport*.

Business of Ordinary Meetings

LIII. And be it enacted, That no Matters except such as are appointed by this Act to be done at an Ordinary Meeting shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement or Letter convening such Meeting.

Extraordinary Meetings.

LIV. And be it enacted, That every Meeting of the Shareholders other than an Ordinary Meeting shall be called an "Extraordinary Meeting;" and such Meetings may be convened by the Directors at such Times as they may think fit.

Business at Extraordinary Meetings.

LV. And be it enacted, That no Extraordinary Meeting shall enter upon any Business not set forth in the Requisition or in the Notice upon which it shall have been convened.

Extraordinary Meetings may be convened by Shareholders.

LVI. And be it enacted, That it shall be lawful for Three or more Shareholders, holding in the aggregate Thirty Shares, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company; and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Directors, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders; and if for Fourteen Days after such Notice the Directors fail to call such Meeting, the said Number of Shareholders, qualified as aforesaid, may call such Meeting, by giving Fourteen Days Notice thereof.

Notice of Meetings.

LVII. And be it enacted, That Fourteen Days Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement, or by Letter sent through the Post Office, to each of the Shareholders, which shall specify the Place and the Day and the Hour of the Meeting; and every Notice of an Extraordinary Meeting, or of an Ordinary Meeting if any other Business than the Business hereby appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called.

Quorum for a General Meeting.

LVIII. And be it enacted, That in order to constitute a Meeting (whether ordinary or extraordinary) there shall be present Six or more Shareholders holding in the aggregate One Half the Number of Shares; and the Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and to those only; and if within One Hour from the Time appointed for such Meeting the said Number of Shareholders, qualified as aforesaid, be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*.

LIX. And

LIX. And be it enacted, That at every Meeting of the Company some one of the Shareholders then present shall be elected to preside as Chairman. **Chairman at General Meetings.**

LX. And be it enacted, That every such Meeting may be adjourned from Time to Time, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place. **Adjourned Meetings.**

LXI. And be it enacted, That at all Meetings of the Company every Shareholder shall have One Vote in respect of each Share possessed by him, but no Shareholder shall be entitled to have more than Fifteen Votes: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then payable upon the Shares held by him. **Votes of Shareholders.**

LXII. And be it enacted, That every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, the Chairman of the Meeting being entitled to vote, not only as a Principal, but to have a casting Vote if there be an Equality of Votes. **Manner of voting.**

LXIII. And be it enacted, That if several Persons be jointly entitled to a Share, the Person whose Name stands first in the Register of Shareholders as one of the Holders of such Share shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor thereof, and on all Occasions the Vote of such first-named Shareholder shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Shareholders thereof. **Votes of joint Shareholders.**

LXIV. And be it enacted, That if any Shareholder be a Lunatic or Idiot, such Lunatic or Idiot may vote by his Committee, and if any Shareholder be a Minor he may vote by some one of his Guardians duly authorized so to act. **Votes of Lunatics and Minors, &c.**

LXV. And be it enacted, That the Number of Directors shall be Five, and that *William Williams* the younger, *Thomas Prothero*, *Lewis Edwards*, *Thomas Hughes*, and *William Brewer* shall be the First Directors of the Company. **First Directors.**

LXVI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the Ordinary Meeting to be held in the Month of *July* in the Year One thousand eight hundred and forty-four, and at such Meeting the Shareholders present may either continue in Office the Directors appointed by this Act, or may elect a new Body of Directors, the Directors appointed by this Act being eligible as Members of such new Body; and at every Ordinary Meeting to be held in *July* in every Year thereafter the Shareholders present shall elect Persons to supply the Places of the Directors whose Year of Office shall have expired, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until the Ordinary Meeting to be held in the Month of *July* in the succeeding Year, or until others **Election of future Directors.**

are elected in their Stead; provided that if a sufficient Number of Shareholders be not present at any Meeting at which Directors are to be elected within One Hour from the Time appointed for the Meeting no Election of Directors shall then take place, but the existing Directors shall remain in Office and retain their Powers until the First Ordinary General Meeting of the following Year.

Qualification and Disqualification of Directors.

LXVII. And be it enacted, That no Person shall be capable of being a Director unless he be a Shareholder possessed of Five Shares; and that no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and that no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director.

Cases in which Office of Director may become vacant.

LXVIII. And be it enacted, That if any of the Directors at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director at any Time cease to be a Holder of Five Shares in the Company, then, in any of the Cases aforesaid, the Office of such Director shall become vacant, and thenceforth the Person in respect of whom the Office of Director shall so become vacant shall cease from voting or acting as a Director.

Occasional Vacancies in the Office of Director to be supplied.

LXIX. And be it enacted, That if any Director of the Company die, or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office when the Year of his Appointment has expired as aforesaid, the remaining Directors, if they think proper so to do, may elect in his Place some other Shareholder duly qualified to be a Director, and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office.

Powers of Company to be exercised by Directors.

LXX. And with respect to the Exercise of the Powers of the Company, be it enacted, That the Directors shall have the Management and Superintendence of the Affairs of the Company, and they may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this Act to be transacted by a General Meeting of the Company; and amongst other Powers to be exercised by the Directors,

They may appoint and displace any of the Officers of the Company, except the Clerk and Treasurer:

They may fix the Salaries of all Officers, except the Salaries of themselves and the Clerk and Treasurer:

They may make and enforce the Calls upon the Shares of the respective Shareholders:

They

They may declare the Forfeiture of all Shares on which such Calls are not duly paid, subject to the Confirmation of a General Meeting, as aforesaid:

They may enter into Contracts for the Execution of the Works of the Company, and for all other Matters necessary for the Transaction of its Affairs:

They may purchase the Lands authorized to be taken by the Company, and sell such Parts thereof as may not be required for the Purposes of the Company:

They may fix the Rents and Sums to be taken by the Company:

But all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this Act in that Behalf, and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting.

Powers of Company not to be exercised by the Directors.

LXXI. And be it enacted, That the following Powers of the Company, (that is to say,) the Choice and Removal of Directors (except as herein-before provided), the Appointment and Removal of the Treasurer and Clerk, the Determination as to the Remuneration of the Directors and of the Treasurer and Clerk, the Determination as to the borrowing of Money on Mortgage, the Determination as to the Augmentation of Capital, and the Declarations of Dividends, shall be exercised only at a General Meeting of the Company.

Meetings of Directors.

LXXII. And be it enacted, That the Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn, as they think proper, from Time to Time and from Place to Place; and at any Time any Two of the Directors may require the Clerk to call a Meeting of the Directors; and in order to constitute a Meeting of Directors there shall be present at the least Three of the Directors, and all Questions, Matters and Things considered at any such Meeting shall be determined by the Majority of Votes, and no Director, except the Chairman, shall have more than One Vote at any such Meeting; and if there be an equal Division of Votes upon any Subject entertained by such Meeting, but not otherwise, the Chairman, in addition to his Vote as one of the Directors, shall have a Casting Vote as Chairman.

Permanent Chairman of Directors.

LXXIII. And be it enacted, That at the First Meeting of Directors held after the passing of this Act, and at the First Meeting of the Directors held after each annual Appointment of Directors, the Directors present at such Meeting shall choose One of the Directors to act as Chairman of the Directors for the Year following such Choice; and if the Chairman die or resign, or become disqualified to act, or otherwise cease to be a Member, the Members present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Members to fill such Vacancy; and every such Chairman so to be elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would

would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional Chairman of Directors.

LXXIV. And be it enacted, That if at any Meeting of the Directors the Chairman shall not be present the Members present shall choose some one of their Number to be Chairman of such Meeting.

Proceedings to be entered in a Book to be open for Inspection.

LXXV. And be it enacted, That the Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or all Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the Company and of the Directors, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendance of the Directors; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Shareholders or Directors respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of any of the Shareholders.

Informalities in Appointment of Directors not to invalidate Proceedings.

LXXVI. And be it enacted, That all Acts done by any Meeting of the Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered there was some Defect or Error in the Appointment of any Person attending such Meeting as a Director, or acting as aforesaid, or that such Person was disqualified, be as valid as if such Person had been duly appointed and was qualified to be a Director.

Indemnity of Directors.

LXXVII. And be it enacted, That no Director, by being Party to, or making, signing, or executing, in his Capacity of Director, any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors or any of them shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company shall apply the Funds and Capital of the Company for the Purposes of such Indemnity, and shall, if necessary for that Purpose, make Calls of the Capital remaining unpaid.

LXXVIII. And

Company to appoint Clerk and Treasurer.

LXXVIII. And be it enacted, That at the First General Meeting after the passing of this Act the Company shall elect a Clerk and Treasurer, and any subsequent General Meeting may remove from Office any such Clerk or Treasurer; and if such Clerk or Treasurer die or resign, or be so removed, another Clerk or Treasurer shall be elected in his Place at a General Meeting; and from Time to Time any such Meeting may fix the Salary or other Emoluments to be allowed to such Clerk or Treasurer respectively as they think proper.

S of Clerk or Treasurer.

LXXIX. And be it enacted, That the Directors may at any Time suspend either the Treasurer or the Clerk from his Office, and may appoint some Person temporarily to fill the Office of the Treasurer or Clerk so suspended, or when vacant from any other Cause, with such Salary as they think fit; but in any such Case they shall forthwith call an Extraordinary Meeting of the Company for the Purpose of taking into consideration the Propriety of removing from his Office any Treasurer or Clerk so suspended, and of electing a new Treasurer or Clerk, as the Case may require.

Separation of Offices of Clerk and Treasurer.

LXXX. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be the Treasurer; and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Offices of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as the Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of the Clerk, or in any Manner officiate for the Clerk:

If any such Treasurer or Clerk hold any Place of Profit or Trust under the Company other than that of Treasurer or Clerk, as the Case may be:

And any Person may sue for such Penalties by Action of Debt or on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit.

Security to be taken.

LXXXI. And be it enacted, That before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office.

Officers to account, on demand.

LXXXII. And be it enacted, That every Officer or Person in the Service of the Company at the Time of the passing of this Act, or who may be hereafter employed by the Company, shall, from Time to Time when required by the Company, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Company, and such Account shall state how and to whom and for what Purpose such Monies shall have been disposed of, and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary Remedy against Parties failing to account.

LXXXIII. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before any Two or more Justices at a Time and Place to be set forth in such Summons, to answer to such Charge, and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons was personally served upon such Officer, or left at his last known Residence or Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon the Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justices may order such Officer to pay the same; and if he fail to pay the Amount it shall be lawful for any Justice to grant a Warrant to levy the same by Distress, or, in default thereof, to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases, (that is to say,)

If any such Officer do not appear before the Justices at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Company,

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession

sion or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power: Provided always, that if any of such Directors shall make Oath that he has good Reason to believe, and does believe, that it is the Intention of such Officer to abscond, it shall be lawful for the Justice before whom Complaint is made, instead of issuing a Summons, as herein-before directed, to issue his Warrant for the apprehending and bringing such Officer before such Two or more Justices as aforesaid, but no Person directed to execute such Warrant shall keep such Officer in Custody longer than Twenty-four Hours, without bringing him before Two Justices to answer to the Charge, as herein-before directed.

Sureties not to be discharged.

LXXXIV. And be it enacted, That no such Proceedings against or Dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against any Surety of such Officer.

Accounts to be kept.

LXXXV. And be it enacted, That full and true Accounts shall be kept of all Sums of Money received or expended on account of the Company by the Directors and all Persons employed by or under them, and of the Articles, Matters, and Things for which such Sums of Money shall have been received or disbursed or paid.

Books to be balanced.

LXXXVI. And be it enacted, That the Books of the Company shall be brought to a Balance Fourteen Days at least before each Ordinary Meeting, and forthwith on the Books being so balanced an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and previously to each Ordinary Meeting such Balance Sheet shall be examined and docqueted by the Directors or any Three of their Number, and shall be signed by the Chairman or Deputy Chairman of the Directors.

Inspection of Accounts by Shareholders at stated Times.

LXXXVII. And be it enacted, That the Books so balanced, together with such Balance Sheet as aforesaid, shall, for Fourteen Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not be entitled at any Time, except during the aforesaid Period before and after each Ordinary Meeting, to demand the Use or Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors.

Balance Sheet to be produced.

LXXXVIII. And be it enacted, That at such Ordinary Meeting the Directors shall produce to the Shareholders assembled such Balance Sheet as aforesaid applicable to the Period immediately preceding such Meeting.

Annual Account to be made up,

LXXXIX. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total

and a Copy transmitted to the Clerk of the Peace.

total Receipts and Expenditure of Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Monmouth*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Times, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Profits of the Company limited to 10 per Cent.

XC. And be it enacted, That the Profits of the said Undertaking divisible amongst the Proprietors of the said Company shall not exceed Ten Pounds *per Centum per Annum* in any one Year on the Amount of the Capital for the Time being of the said Company; and in order to ascertain the Profits of the said Undertaking the said Company shall cause a true and particular Account to be kept, and annually made up to the Thirty-first Day of *December*, or some other convenient Day in each Year, of all Monies received by them under the Authority of this Act, and of all Costs, Charges, and Expences of and attending the Purchase, Construction, repairing, and maintaining of the said Works, and the carrying on the said Undertaking;

The Excess, if any, to be applied in forming a Contingent Fund.

and if the clear Profits of the said Undertaking, after Payment of all such Costs, Charges, and Expences, shall in any Year amount to a larger Sum than shall be sufficient to make Distribution amongst the Proprietors of the said Company of Ten Pounds *per Centum per Annum* on the Amount of the Capital for the Time being of the said Undertaking, the Excess beyond the Sum which may be necessary for the Purposes aforesaid shall from Time to Time be invested in Government or other Securities, and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest until the Fund so formed shall amount to the Sum of Four thousand Pounds, which Sum shall form a contingent or reserved Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits of the said Company, or to meet any extraordinary Claim or Demand which may at any Time arise against the said Company.

Application when Contingent Fund amounts to 4000*l*.

Abstract of Accounts to be laid before the Quarter Sessions annually.

XCI. And be it enacted, That when such Fund shall, by Accumulation or otherwise, amount to the Sum of Four thousand Pounds, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the said Undertaking to which the Profits of the said Company are applicable; and an Abstract of such Account, together with an Account of the said Contingent Fund, shall be annually laid before the Justices assembled at the Quarter Sessions of the Peace for the County of *Monmouth* next after the Time of making up such Account, and be filed with the Clerk of the Peace of the said County.

XCII. And

Rates to be reduced, if Profits more than Ten per Cent.

XCII. And be it enacted, That if it shall thereupon appear to such Justices that the Profits of the said Company for the preceding Year shall have exceeded Ten Pounds *per Centum per Annum* on the Amount paid in respect of every Share in the said Undertaking, the said Company shall make such a rateable Reduction in the Rents and Prices of Gas to be furnished by the said Company for the then current Year as the said Company may deem prudent, or as in the Judgment of the said Justices shall be proper, but so as such Rents or Prices when reduced shall insure to the said Company a Profit as near as may be to the Amount of Ten Pounds *per Centum per Annum* upon the Amount of the Capital for the Time being of the said Company for the then current Year: Provided always, that if the said Company shall omit to prepare or transmit such Account as last aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Company, if required by Justices, to produce their Books, &c.

Justices may appoint Accountant.

XCIII. And be it enacted, That the Company or the Directors shall also from Time to Time, if required by the said Justices in Quarter Sessions, produce to them, either at the then or next subsequent Quarter Sessions, their Books, Accounts, and other Documents relating to their Accounts, in their Possession or Power, and shall likewise permit the Accountant or other Person to be appointed as herein-after mentioned to inspect the said Books, Accounts, and Documents at the Office of the Company, and the said Justices may examine any Person on Oath touching the Truth of the said Accounts and the Matters therein referred to; and the said Justices in Quarter Sessions may, if they shall think fit, from Time to Time appoint some Accountant or other competent Person, not being a Proprietor in any Gas Company in the Borough of *Newport*, to examine and report to the said Justices; and the Expence of such Examination and Report, not exceeding Four Guineas in any One Year, as the same shall be settled by the said Justices, shall be paid by the said Company.

Penalty on Company failing to lay Accounts before Justices or to produce Books.

XCIV. And be it enacted, That if the Company shall wilfully fail to lay before the said Justices the Abstract of Account, and Account of the Contingent Fund, as herein-before is directed, or to produce to the said Justices, upon their Requisition, the aforesaid Books, Accounts, and Documents, or shall refuse to permit the said Accountant, or other Person to be appointed as aforesaid, to inspect the aforesaid Books, Accounts, and Documents, for the Space of One Calendar Month after being required to do so by such Accountant or other Person as aforesaid, the Company shall forfeit and pay the Sum of Fifty Pounds for every such Failure.

Company may resort to Contingent Fund in case divisible Profits are less than Ten per Cent.

XCV. And be it enacted, That if in any Year after the passing of this Act the Profits of the said Undertaking divisible amongst the Proprietors thereof shall not amount to the Sum of Ten Pounds *per Centum per Annum* on the Amount of the Capital for the Time being of the said Company, such a Sum may be taken from the then present or the future Contingent Fund, as the Case may be, as with the actual divisible Profits of such Year will enable the Company to make up a Dividend to the Amount of Ten Pounds *per Centum per Annum* on the Amount of the Capital for the Time being of the said Company,

Company, and so from Time to Time as often as the divisible Profits of the said Company shall fall short of Ten Pounds *per Centum per Annum* on the Amount of the Capital for the Time being of the said Company.

Dividends to be declared at half-yearly Meetings.

XCVI. And be it enacted, That it shall be lawful for the said Company, at any General or Special General Meeting, from Time to Time to call for and examine all or any Accounts of the said Company; and at every half-yearly General Meeting, or some Adjournment thereof, a Dividend shall be made out of the Interest, Profits, or Advantages of the said Undertaking (unless such Meeting shall declare otherwise), and such Dividend shall be at and under the Rate of such a Sum upon or for every Share in the said Undertaking as such Meetings shall think fit to order and determine, and the same shall be paid to the respective Proprietors by the Treasurers of the said Company; but no Dividend shall be made whereby the Capital of the said Company shall be reduced, nor shall any Dividend be paid in respect of any Share until all Calls for Money then made in respect thereof by virtue of this Act shall have been paid.

Service of Notice upon Company.

XCVII. And with respect to the Service of Notices upon the Company, be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Company, may be served by the same being given personally to the Clerk of the Company, or being left at the Office of the Company, or being delivered to some Inmate at the Place of Abode of such Clerk, or in case there be no Clerk, or the Place of Abode of the Clerk respectively shall not be found, then by being given to any One of the Directors of the Company, or by being delivered to some Inmate of the Place of Abode of any such Director.

Service by Company on Shareholders.

XCVIII. And with respect to any such Notice required to be served by the Company upon the Shareholders, be it enacted, That, unless any such Notice be expressly required to be served personally, it shall be sufficient to transmit the same by Post, directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered in the due Course of Delivery within the Period, if any, prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Notices by Advertisement.

XCIX. And be it enacted, That all Notices required to be given by Advertisement in a Newspaper shall be advertised in some One Newspaper published or circulated in the County of *Monmouth*.

Authentication of Notices.

C. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by One Director, or by the Treasurer or the Clerk of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

CI. And

Releases to Witnesses.

CI. And be it enacted, That in all legal Proceedings under this Act general or other Releases for the Purpose of qualifying any Person in the Service of the Company to give Evidence as a Witness may be granted by any Two or more of the Directors, and every such Release or Discharge under the Hands and Seals of Two of the Directors shall be as effectual for the Purpose aforesaid as if made under the Common Seal of the Company.

Proof of Debts in Bankruptcy.

CII. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of such Clerk or Treasurer, and not of the Company.

Tender of Amends.

CIII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before Action brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Property now vested in the Company, or in any Person in Trust for the same, to vest in the Company incorporated by this Act.

CIV. And be it enacted, That all Monies due to, and all Land, Property, Estates, or Interests, either at Law or in Equity, and all Choses in Actions, vested in the said Association or Company, or in any Person to the Use of or in Trust for the said Association or Company, under or by virtue of the Articles of Agreement hereinbefore referred to, or by any Conveyance or Assurance in Law, shall immediately on the Commencement of this Act become vested in the Company incorporated by this Act, subject nevertheless to the same Liability in respect of the present Debts and Engagements of the Company as existed before and at the Time of the passing of this Act.

Power to purchase Lands.

CV. And be it enacted, That in addition to the Lands now vested or intended to become vested by virtue of this Act in the said Company, or in any Person in Trust for the Use of the same, subject to the Provisions of this Act, it shall be lawful for the Company to agree with the Owners of any Lands which they may think requisite or proper for the Purposes of the said Undertaking, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, not exceeding in Quantity Ten Acres, and all subsisting Leases therein, and of all Rent-

Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

CVI. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose and convey or release the same to the Company, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors or Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be a gross Sum.

CVII. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands shall be in a gross Sum.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

CVIII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, be it enacted, That such Consideration Money shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Company, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyance.

CIX. And be it enacted, That all Conveyances of Land so to be purchased as aforesaid may be according to the Form in the Schedule (E.) to this Act annexed, or as near thereto as the Circumstances of

of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Company, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Company to attend the Reversion and Inheritance.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

CX. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Newport* Gas Light Company," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, and likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same

same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

CXI. And be it enacted, That such Money may be applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold, or converted into Money, for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited or invested in Trustees.

CXII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to the Parties.

CXIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit, or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties,

Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Party in Possession deemed to be the Owner.

CXIV. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in Possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in cases of Money deposited.

CXV. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Company; (that is to say,) the Costs of the Purchase of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

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

CXVI. And be it enacted, That upon the Payment of the Money so agreed to be paid for the Purchase of such Lands, Buildings, Tenements, or Hereditaments by the said Company, to the Party or Person entitled to such Money, or his Agent, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in manner herein directed, (as the Case may be,) all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or in Equity, of the Party and Person to whom or for whose Use the same shall be paid, into or out of such Lands, Buildings, Tenements, and Hereditaments, shall vest in the said Company and their Successors for ever, for the Purposes of this Act.

Restraint on purchasing from incapacitated Persons.

CXVII. And be it enacted, That the Company shall not purchase more than Six Acres from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this Act; and if the Company purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the whole or any Part of the Land so purchased, it shall not be lawful for

for any Party, being under Disability, to sell to the Company any other Lands in lieu of the Land so sold or disposed of by the Company.

Lands not wanted to be sold.

CXVIII. And for the Purpose of making Provisions respecting the Sale of Lands acquired by the Company under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Company shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Common Seal of the Company, and a Receipt under such Common Seal shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received, and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Company empowered to construct Gas Works.

CXIX. And be it enacted, That it shall be lawful for the Company, subject to the Restrictions herein contained, from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Retorts, Gasometers, Receivers, and Buildings, Cisterns, Engines, Machines, and other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, Machinery and other Works, and also such Houses and Buildings, upon the Lands hereby authorized to be held and purchased by the Company, and to do all other Acts necessary and convenient, as they shall think proper, for supplying the Inhabitants within the Limits of this Act with Gas, and also to sell, dispose of, or manufacture the Refuse of any such Gas.

Company empowered to lay Pipes for lighting Buildings.

CXX. And be it enacted, That it shall be lawful for the Company to lay any Pipe, Branches, or other necessary Apparatus from any Main or Branch Pipes into, through, or against any Buildings, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Pipes not to be laid in Buildings without Consent.

CXXI. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the Company to carry or lay any Pipe into, over, through, or against any Lands or Buildings, or to continue the same, without the Consent of the Owner or Occupier of such Lands or Buildings into, over, through, or against which any such Pipe may be carried or laid.

Power to break up Streets.

CXXII. And be it enacted, That it shall be lawful for the Company to lay down, alter, repair, or remove, in or under any Street or Highway within the Limits of this Act, any Pipes or other Works, and to erect or place on or in any such Street or Highway any Post, Pillar, Lamp Iron, or other Apparatus, and to alter the Position of and repair the same, for the Purpose of supplying the Inhabitants within the same with Gas, and also to make any covered Sewers or Cuts for the Purpose of carrying off the Washings and waste Liquids which may arise in the Prosecution of the Works aforesaid, and for that Purpose to break up or open the Pavement or Soil of any such Street or Highway, and any public Sewer or Drain therein, they

they the Company doing as little Damage as may be in the Execution of the said Powers, and making Compensation for any Damage caused thereby in manner herein mentioned: Provided always, that the Company shall not be authorized to lay any Pipe in any public Sewer, nor in or under any Lands which at the Time of the passing of this Act are the Property of the *Newport* Dock Company, without the previous Consent in Writing of the said Dock Company or their authorized Agent.

Notice to be served before breaking up Streets.

CXXIII. And be it enacted, That before any Street, Highway, public Sewer or Drain, shall be opened or broken up by the Company, they shall give to the Persons under whose Control or Management such Street, Highway, Sewer, or Drain may be Notice in Writing of their Intention to open or break up the same Two Days before the Commencement of such Operation, except in Cases of Emergency arising from Defects in any of the Pipes or other Apparatus, and then so soon after as may be practicable.

Streets to be broken up under Superintendance.

CXXIV. And be it enacted, That every such Street, Highway, Sewer, or Drain shall be opened or broken up under the Superintendance of the Persons having the Control or Management of the same, or their Officer, and according to such Plan as shall be agreed upon between such Persons or their Officer and the Company.

Streets broken up to be reinstated without Delay.

CXXV. And be it enacted, That when the Pavement or Soil of any Street or Highway, or when any Sewer or Drain, shall be opened or broken up by the Company, they shall with all convenient Speed complete the Works on account of which the same shall be broken up, and fill in the Ground and make good the Pavement or Soil, Sewer or Drain, so opened or broken up, in such Manner and Form as the Persons having the Control or Management of the Street, Highway, Sewer, or Drain so opened or broken up, or their Officer, shall direct, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Soil shall be so opened or broken up to be fenced and guarded, and set up or maintain upon or against the Part of the said Pavement or Soil so broken up or opened a sufficient Light during every Night during which such Pavement or Soil shall be continued open or broken up.

Penalty for Delay in reinstating Streets.

CXXVI. And be it enacted, That if the Company shall open or break up any Street, Highway, Sewer, or Drain without giving such Notice as aforesaid, or shall break up any Street, Highway, Sewer, or Drain in any other Manner than such as shall be agreed upon or determined as aforesaid, except in the Cases in which the Company are hereby authorized to perform such Works without any Superintendence or Notice, or if the Company make any Delay in completing any such Work, or in filling in the Ground or making good the Pavement or Surface so opened or broken up, in such Manner as the Persons having the Control or Management of the Street, Highway, Sewer, or Drain so opened or broken up as aforesaid, or their Officer, shall direct, or in carrying away the Rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the Place where such

Pavement or Surface shall have been broken up, they shall forfeit a Sum not exceeding Five Pounds for every such Offence, and a further Sum not exceeding Forty Shillings for each Day that such Delay as aforesaid shall continue after the Expiration of Twenty-four Hours from the Time that such Delay shall have commenced.

In case of Delay other Parties may reinstate, and recover the Expenses.

CXXVII. And be it enacted, That if any such Delay as aforesaid shall take place it shall be lawful for the Persons having the Control or Management of the Street, Highway, Sewer, or Drain in respect of which such Delay shall take place to cause the Matter or Thing so delayed to be done; and the Expence of doing the same, together with the Costs of recovering such Expence, shall be recovered from the Company in the same Manner as any Damages for the Recovery of which no special Provision is made by this Act are hereby directed to be recovered; and the Money so recovered shall be applied by the Persons having the Control or Management of the Street, Highway, Sewer, or Drain for the Purposes of the same.

Differences as to breaking up Streets to be settled by Justices.

CXXVIII. And be it enacted, That in case of any Difference respecting such Plan as aforesaid for breaking up any Street, Highway, Sewer, or Drain, or respecting the Completion and relaying of the same, or any other Matter, between the Company and the Parties having the Control or Management of such Street, Highway, Sewer, or Drain, then such Plan, or such Matter in difference, shall be determined by Two or more Justices; and such Justices are hereby required, on the Application of the Company, to determine the Plan according to which such Street, Highway, Sewer, or Drain shall be opened or broken up, or such Matter in difference as aforesaid; provided that Two Days Notice of the Time and Place at which such Determination is to be made shall be proved to have been served on the Persons having the Control or Management of the Street, Highway, Sewer, or Drain proposed to be broken up.

In case of Neglect to superintend opening Streets, the Company may perform the same.

CXXIX. And be it enacted, That if the Persons having such Control or Management as aforesaid shall neglect or refuse to superintend the opening of any such Street, Highway, Sewer, or Drain, after having had Notice of the Company's Intention as aforesaid, or shall not propose any Plan for breaking up or opening or reinstating the same, the Company may perform the Works specified in such Notice without the Superintendence of such Persons.

Two Justices, upon Application, may require the Company to alter their Pipes.

CXXX. And be it enacted, That it shall be lawful for Two or more Justices of the Peace, after hearing the Company, upon the Application of the Commissioners for paving, lighting, and otherwise improving the said Town, or of the Persons having the Control or Management of any Street or Highway, Sewer or Drain, as aforesaid, to require the Company to raise, sink, or otherwise alter the Situation of any of the Pipes which shall be laid down for the Purposes aforesaid, and to specify the Manner in which any such Alteration shall be made.

In case of Default the

CXXXI. And be it enacted, That in every Case in which the Company shall be required by any Two or more Justices to raise, sink, or

or alter the Situation of any of their Pipes, the Company shall, at their own Expence, within Two Months next after being required so to do by Notice in Writing to them given by the said Commissioners or other Persons having the Control or Management of any Street, Highway, Sewer, or Drain as aforesaid, raise, sink, or alter such Pipes according to such Notice, in such Manner as the said Justices shall direct, and in default thereof it shall be lawful for the said Commissioners or other Persons to cause such Pipes to be so raised, sunk, or altered, and the Charges of every such Work shall be forthwith paid by the said Company to the Commissioners or other Persons, or may be ascertained and recovered from the Company in the same Manner as any Damages for the ascertaining or Recovery of which no special Provision is herein contained are hereby directed to be ascertained and recovered.

Commissioners of Pavements empowered to alter them, and charge the Company with the Expence.

CXXXII. And be it enacted, That it shall be lawful for the Directors from Time to Time to enter into or make any Agreement with the Commissioners for lighting, watching, or otherwise improving the said Town, and the Trustees, Surveyors, or other Persons having the Control or Management of the several Streets, Highways, Bridges, and other public Passages and Places, or any of them, within the Limits of this Act, for lighting or supplying the same or any of them with Gas, or for providing the same with Lamp Pillars and Posts, Lamp Brackets, Lamp Glass, and Repairs thereof, and also from Time to Time to enter into any Agreement with any Person whomsoever for lighting or supplying with Gas any public or private Building, Yard, or Premises, in such Manner and upon such Terms as shall be agreed upon between the said Company and the respective Commissioners, Trustees, Surveyors, or other Persons; and it shall be lawful for such Commissioners, Trustees, or Surveyors, and for such other Persons as aforesaid, to agree with the said Company for the Purposes aforesaid, and to pay out of any Money under their Control such Sums of Money as shall have been agreed to be paid to the said Company for the Purposes aforesaid.

Power to contract for lighting Streets, &c.

CXXXIII. Provided always, and be it enacted, That in all Cases where it shall be lawful for the Company to cut off and take away the Supply of Gas from any House or Building or Premises under the Provisions of this Act it shall be lawful for the Company, their Agents and Workmen, upon giving Twenty-four Hours previous Notice to the Occupier, to enter into any such House, Building, or Premises, between the Hours of Nine in the Forenoon and Four in the Afternoon, and to remove, take, and carry away any Pipe, Meter, Cock, Branch, or Apparatus the Property of and belonging to the Company, and also for the Purpose of repairing and making good any such House, Building, and Premises where such Pipe or Apparatus shall have been so introduced.

Power to take away Pipes when Gas discontinued.

CXXXIV. And be it enacted, That if any Person supplied with Gas by the Company shall neglect to pay any Rent due to them at any of the Times of Payment thereof, it shall be lawful for the Company, or any Person acting under their Authority, to stop the Gas from entering the Premises of such Person, by cutting off the Service

Recovery of Rents.

Service Pipe to such Premises, or by such Means as the Company shall think fit, and to recover the Rent due from such Person, if less than Twenty Pounds, together with the Expences (if any) that shall have been incurred in cutting off the Gas, and Costs of recovering the same, by the same Means as any Damage for the Recovery of which no special Provision is contained in this Act is here y directed to be recovered; or if the Rent so due shall amount to Twenty Pounds or upwards, it shall be lawful for the Company to recover the same, together with the Expences (if any) of cutting off the Gas, in any of the Superior Courts, by Action of Debt or on the Case; provided that the Company shall not stop the Gas in manner aforesaid from entering the Premises of the Person so neglecting to pay any Rent due to them unless he shall make default in Payment of such Rent, together with any Costs that shall be sustained by the Company in and about the Recovery of the same, for the Space of Seven Days after the Company shall have delivered to such Person, or left at his last or most usual known Place of Abode, or upon the said Premises, a Notice in Writing of their Intention to stop the Gas from entering the Premises of such Person.

Penalty on laying Pipes of Communication, &c. without Consent of Company.

CXXXV. And be it enacted, That if any Person shall lay or cause to be laid any Pipe to communicate with any Pipe belonging to the Company, without the Consent of the Company, or if any Person supplied with Gas by the Company shall use any other Meter or Burner than such as shall be provided or approved of by the Company, or shall supply any Person with any Part of such Gas, he shall forfeit to the Company the Sum of Five Pounds for every such Offence, and also the Sum of Forty Shillings a Day for every Day such Pipe shall so remain, or such Meter or Burner which shall not have been provided or approved of by the Company shall be used, or such Excess so committed, or such Supply furnished; and it shall be lawful for the Company also to take off the Gas from the House and Premises of the Person so offending by such Supply of Gas as aforesaid, notwithstanding any Contract or Agreement which may have been previously entered into.

Penalty for wilfully damaging Pipes.

CXXXVI. And be it enacted, That if any Person shall wilfully remove, destroy, damage, fraudulently alter, or in any other Way falsify any Meter, Pipe, Pedestal, Post, Plug, Lamp, or other Apparatus or Thing belonging to the Company or to any Person, or shall wilfully extinguish any of the public Lamps and Lights, or waste or improperly use any of the Gas supplied by the Company, he shall for each such separate and distinct Offence forfeit any Sum not exceeding Five Pounds, and shall pay to the Company or such Person Three Times the Amount of the Damage done.

Satisfaction for accidental Damage to Lamps, &c.

CXXXVII. And be it enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any Meter, Pipe, Pedestal, or Lamp supplied, hung out, set up, or belonging to the Company or any Person, or keep the Lights burning for a longer Time than he shall contract to pay for, and shall not, on Demand, make Satisfaction to the Company or to such Person for the Damage done, or the Excess of Gas obtained and used, then it shall be lawful for any Justice

Justice to summon before him the Person against whom such Complaint shall be preferred, and for any Two or more Justices, upon hearing the Allegations and Proofs on both Sides, or on Nonappearance of the Person so complained against, upon Proof of Service of the Summons, to award such Sum of Money by way of Satisfaction to the Company or to such Person, as the Case may require, for such Damages or Excess, as such Justices shall think reasonable; and in case of Neglect to pay any Sum so awarded within Three Days after Demand it shall be lawful for any such Justice, or any other Justice, to cause the same to be raised and levied by Distress.

Penalty for interrupting the Company's Workmen.

CXXXVIII. And be it enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Company, or their Deputies, Agents, Workmen, or Servants, 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, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption.

Power to convey Washings.

CXXXIX. And be it enacted, That it shall be lawful for the said Company, with the Consent of the said Commissioners or their Surveyor, or of the Surveyor or other Person having the Control, Direction, or Superintendence of the Pavement, Ground, or Soil of any Street, Road, Lane, Passage, or Place, Land or Ground, to lay Iron Pipes, of such Dimensions and in such Manner as they shall think expedient, under the said Streets, Roads, Lanes, Passages, Places, Land, and Ground, for the Purpose of carrying off the Washings or other waste Liquids which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring Gas.

Penalty for corrupting Water within the Limits of this Act.

CXL. And be it enacted, That if the Company or any other Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water, within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then the Company or such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for in Superior Courts within Twelve Months.

CXLI. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in

respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during the Continuance of the Offence.

CXLII. And be it enacted, That in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been recovered or not, the Company or Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds, to be recovered in the like Manner, for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act whereby such Water as aforesaid shall be fouled or corrupted shall continue, after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on the Company or such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby; and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during the Escape of Gas after Notice.

CXLIII. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by the Company or by any Person making or supplying any Gas within the Limits of this Act, such Company or Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Company or Person shall not within Twenty-four Hours next after Service of such Notice effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then the Company or Person so offending shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Penalty on Gas-makers if Water contaminated.

CXLIV. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of the Company or of any Person making or supplying Gas within the Limits of this Act, the Company or such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Daily Penalty during the Continuance of the Contamination after Notice.

CXLV. And be it enacted, That if the Company or the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected served on them or him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, the Company or Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be contaminated or affected, a Sum of Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Power to examine Pipes to ascertain the Cause of

CXLVI. And whereas it may become a Question upon any such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of the Company or any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That

Contamination.

That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the said Company, or of any Company or Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of the Company or such Person: Provided always, that before proceeding so to dig and examine Twelve Hours Notice shall be given to the Company or Person making or supplying such Gas, of the Time at which such Digging and Examination are intended to take place.

The Expences to abide the Result of the Examination.

CXLVII. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to the Company or such Person, the Expences of the Digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Company or Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of the Company or such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the Company or the said Person any Injury which may be occasioned to the Works of the Company or such Person by such Examination.

The Amount of the Expences to be ascertained and recovered as other Damages.

CXLVIII. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Company or Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

Persons supplying Gas to be liable to Indictment for Nuisance.

CXLIX. Provided always, and be it enacted, That nothing in this Act contained shall prevent the Company or any Person making or supplying Gas within the Limits of this Act from any Indictment for any Nuisance or any other legal Proceeding to which they or he may be liable in consequence of the making or supplying such Gas.

Provision for Damages not otherwise provided for.

CL. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices, and when by this Act any Damages or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence, and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and any One of such Justices shall issue his Warrant accordingly.

CLI. And

Justices may examine Parties and Witnesses.

CLI. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice or Justices, it shall be lawful for such Justice or Justices to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice or Justices; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice or Justices for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice or Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice or Justices to proceed *ex parte*.

Distress against the Company.

CLII. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justice or Justices to be paid by the Company, for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Company to the Party entitled to receive the same within Ten Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount may be recovered by Distress; and the Justices by whom such Sum of Money shall have been ordered to be paid, or any other Justice, on Application, shall issue his Warrant accordingly; and if sufficient Goods or Effects of the Company cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Company, and the Justices aforesaid, or any other Justice, on Application, shall issue their or his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer, unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

Distress against the Treasurer.

Reimbursement of the Treasurer.

CLIII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue for the same against the Company by Process of Law.

Publication of Penalties.

CLIV. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof are obliterated or destroyed; and

and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing Boards used for Publication of Penalties.

CLV. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before Two or more Justices.

CLVI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before Two or more Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties may be levied by Distress.

CLVII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CLVIII. And be it enacted, That it shall be lawful for Two or more Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of a Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant of Distress shall have been

issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall, by Warrant, cause such Offender to be committed to the House of Correction in the said County of *Monmouth*, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CLIX. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, or any Person suing for the same, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CLX. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before Justices, unless the Complaint respecting such Offence shall have been made before such Justices within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CLXI. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justices shall have Jurisdiction, by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CLXII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Company, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against any of the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Dispatch before Two or more Justices, without any Warrant or other Authority than this Act, and such Justices shall proceed with all convenient Dispatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CLXIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (F.) to this Act annexed.

CLXIV. And

Informalities.

CLXIV. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CLXV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CLXVI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

CLXVII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justices, under the Provisions of this Act, he may appeal to the General or Quarter Sessions of the Peace for the County in which the Cause of Appeal shall have arisen, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they shall think reasonable.

Costs.

CLXVIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they may think reasonable.

Saving of Rights.

CLXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend to defeat, abridge, obstruct, or in any Manner interfere with the Powers and Authorities of the Commissioners acting under the Authority of the Act for lighting, watching, and otherwise improving the said Town, or the Rights and Powers of the Trustees acting under the Authority of any Act for repairing

ing and amending the several Turnpike Roads passing within the Limits of this Act, or the Rights and Powers of the Persons having for the Time being the Control or Management of any Street, Highway, Sewer, or Drain within the Limits of this Act, but such several Powers and Authorities may be exercised and enjoyed in the same full and ample Manner, to all Intents and Purposes, as if this Act had not been passed, save only so far as the same may be affected by the due and lawful Exercise of the Powers hereby vested in the Company.

Interpretation of Act:

CLXX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless it be otherwise especially directed or provided, or there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number: Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Gender: Words importing the Masculine Gender shall include Females:

Month: The Word "Month" shall mean Calendar Month:

Person: The Word "Person" shall extend to Corporations, whether aggregate or sole:

Superior Courts: The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

Oath: The Word "Oath" shall include Affirmation, in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

Clerk: The Word "Clerk" shall include the Word Secretary:

Lands: The Word "Lands" shall extend to Brooks, Streams, Waters, Messuages, Lands, Tenements, and Hereditaments of any Tenure:

Justice: The Word "Justice" shall mean Justice of the Peace for the County or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:

The Company: The Expression "the Company" shall mean the Company incorporated by this Act:

The Directors: The Expressions "the Directors" and "the Clerk" shall mean the Directors and the Clerk respectively of such Company:

Limits of this Act: The Words "Limits of this Act" shall be held to include the Town of *Newport* in the County of *Monmouth*, and such Parts of the Parishes of *Saint Woollos* and *Christchurch* in the said County as are included within the Limits of the Borough of the said Town, as defined by an Act of Parliament passed in the Second Year of the Reign of His late Majesty King William the *Fourth*, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in* England *and* Wales, *so far as respects the Election of Members to serve in Parliament*: And

Street: The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, within the Limits of this Act.

Public Act.

CLXXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

The NEWPORT GAS COMPANY.

Number

THIS is to certify that *A. B.* of is the Proprietor of the Share numbered of "The Newport Gas Company," subject to the Regulations of the said Company.

Given under the Common Seal of the said Company, the Day of in the Year of our Lord

SCHEDULE (B.)

Form of Transfer of Shares.

I of in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares] numbered in the Undertaking called "The Newport Gas Company," to hold unto the said his Executors, Administrators, and Assigns, [*or* Successors and Assigns,] subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or* Shares], subject to the same Conditions. As witness our Hands and Seals, the Day of in the Year of our Lord

SCHEDULE (C.)

Form of Mortgage Deed.

The NEWPORT GAS COMPANY.

Mortgage, Number £

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Newport Gas Company," in consideration of the Sum of Pounds paid to us by *A. B.* of do assign unto the said *A. B.*, his Executors, Administrators, and Assigns, the Rents and Profits, and all Sums of Money arising by virtue of the said Undertaking, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*)].

Given under our Common Seal, this Day of in the Year of our Lord .

Form of Bond.

The NEWPORT GAS COMPANY.

Bond, Number £

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Newport Gas Company," in consideration of the Sum of Pounds to us in hand paid by *A. B.* of do bind ourselves and our Successors unto the said *A. B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A. B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and the Day of then the above-written Obligation is to become void, otherwise to remain in full Force.

Given under our Common Seal, this Day of One thousand eight hundred and .

SCHE-

SCHEDULE (D.)

Form of Transfer of Mortgage or Bond.

I *A. B.* of in consideration of the Sum of Pounds paid to me by *G. H.* of do hereby transfer to the said *G. H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage] numbered made by "The Newport Gas Company" to bearing Date the Day of for securing the Sum of Pounds and Interest [*or, if such Transfer be by Indorsement,* "the within Security"], and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage* "and in and to the Rents and Profits of the Property thereby assigned"]. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

SCHEDULE (E.)

Form of Conveyance.

I of in consideration of the Sum of paid to me, [*or, as the Case may be,*] into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Newport Gas Company," [*or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same,] pursuant to an Act passed, *&c.*, intituled, *&c.*, by the [*here name the Company incorporated by the said Act*], do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .

SCHEDULE (F.)

Form of Conviction.

to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before us *C. D.* and *E. F.*, Two of Her Majesty's Justices of the Peace for the of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to "The Newport Gas Act, 1843."

Given under our Hands and Seals, the Day and Year first above written.

LONDON : Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1843.