ANNO SECUNDO & TERTIO

# VICTORIÆ REGINÆ.

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## *Cap.* lxxx.

## An Act for better lighting with Gas the Village of *Over Darwen* in the County Palatine of *Lancaster*.

[19th *July* 1839.]

WHEREAS the Village of *Over Darwen* in the Township of *Over Darwen* in the County Palatine of *Lancaster* is large and populous, and is a Place of considerable Trade, and it would be of great Benefit and Advantage to the Inhabitants of the said Village, and the Public resorting thereto and passing through the same, if an enlarged and more effectual Supply of Gas Light than there is at present were afforded to the said Village of *Over Darwen*: And whereas the several Persons herein-after mentioned are willing and desirous, at their own Costs and Charges, to carry into execution the said Undertaking; but the same cannot be beneficially effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *James Greenway*, *Henry Hilton*, *Edward Hilton*, *Eccles Shorrock*, *John Brandwood*, *James Brandwood*, *Charles Potter*, *Seth Harwood*, *John Whardle*, *George Handel Openshaw*, *William Hutchinson*, *Thomas Whalley*, *George Crompton*, *John Isherwood*, *Michael Jepson*, *David Ellison*, *Richard Thompson*, *George Wrigley*,

Proprietors incorporated.

*Robert Moore, John Holden, Thomas Pearson, Thomas Haddock, William Johnson, James Walkden, Thomas Townley, James Gibson, William Pilling, Gilmour Robinson, Ralph Walsh, Richard Blackburn, William Monrou, Peter Atkin, William Townley*, and all and every such other Person or Persons as shall or may from Time to Time, in such Manner as herein-after mentioned, become a Proprietor or Proprietors of Shares in the Undertaking hereby established, and their respective Executors, Administrators, and Assigns, shall be and they are hereby united into a Company, and declared to be One Body Politic and Corporate, by the Name of "The *Over Darwen* Gas Light Company," and by that Name shall have perpetual Succession, and a Common Seal, with full Power and Authority to use the same, and by that Name shall and may sue and be sued, plead and be impleaded, at Law and in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment for any Felony, Misdemeanor, or other Offence punishable by the Laws of this Realm.

Purposes of the Company.

II. And be it further enacted, That the said Company shall be established for the Purpose of producing Inflammable Air or Gas from Coal, Oil, Tar, Pitch, or other Materials, and for lighting with Gas all Streets, Roads, Lanes, and public Passages and Places and Buildings, and also all Shops, Inns, Taverns, private Houses, Manufactories, Warehouses, and other Buildings within the said Town and Township; and also for selling and disposing of Coke, and all and every Product and Products, 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.

Power to contract for the Purchase of Lands and Buildings.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time to contract and agree for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments within the said Village of *Over Darwen*, for the Purposes of this Act, with any Body or Bodies Politic, Corporate, or Collegiate, or Ecclesiastical, Corporation or Corporations Aggregate or Sole, or any Tenant or Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Persons under any Disability of acting for themselves, or with any Femes Covert seised, possessed of, or interested in, in their own Right, or entitled to Dower or other Interest, or with any Person or Persons whomsoever, being Owners or Proprietors of or being entitled to any Messuages, Buildings, Lands, Tenements, or Hereditaments within the said Village, who shall be willing to sell the same; and it shall be lawful for the said Company to hold such Messuages, Buildings, Lands, Tenements, and Hereditaments, or any Estate, Term or Terms for Years, Right, or Interest therein so purchased, without incurring or being subject to any Penalties or Forfeitures of the Statutes of Mortmain, or of any

other Law or Statute whatsoever: Provided always, that it shall not be lawful for the said Company to purchase or hold at any one Time a larger Quantity of Land than Five Statute Acres.

Bodies Politic, &c. empowered to sell.

IV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, and all Tenants in Fee Simple, for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust for charitable and other Purposes, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees and Persons whomsoever, not only for and on behalf of themselves, their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Persons under any Disability of acting for themselves, and for all Femes Covert who are or shall be seised, possessed of, or interested in, in their own Right, or entitled to Dower or other Interest, and for all and every other Person and Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments, or entitled to any Estate, Right, Title, Lien, Charge, or Interest whatsoever in or to any Messuages, Buildings, Lands, Tenements, or Hereditaments within the said Village of *Over Darwen*, or any Part or Parts thereof, which shall be thought necessary by the said Company, or their Committee of Directors for the Time being, to be purchased for the Purposes of this Act, to treat, contract, and agree with such Company for a Lease or Leases, or for the absolute Sale thereof or of any Part thereof, and of all and every Estates, Rights, Titles, Terms, and Interests whatsoever of, in, and to the same, unto the said Company, for the Purposes of this Act, and to demise, convey, and assign the same respectively, not exceeding in any Case Five Statute Acres of Land, unto the said Company, for the Purposes of this Act; and all Contracts, Leases, Assignments, Bargains, Sales, Conveyances, and other Assurances, which shall be so made by virtue and in pursuance of this Act, shall be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all the Estate, Right, Title, Interest Use, Trust, Property, Possession, Claim, and Demand whatsoever, of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them or any of them, and all Persons entitled in Remainder or Reversion expectant on any particular Estates, and the same shall be deemed and considered to bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and of the Issue or Issues of the same Party or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all such Corporations, Parties, and Persons hereby empowered to treat, contract, agree, sell, demise, convey, and assure as aforesaid, and every of them, are and is and shall be hereby indemnified

nified for what they, he, or she shall do by virtue and in pursuance of this Act.

Lands bought of any Corporation or Person under any Disability to be valued by a Surveyor.

V. And be it further enacted, That the Consideration Money to be paid for any Lands to be purchased from or conveyed by any Person or Corporation under any Disability or Incapacity, and not having Power to sell (except under the Provisions herein contained), and the Compensation Money to be paid for any permanent Damage or Injury to such Lands, shall not be less than shall be determined by such able practicable Surveyor as any Two Justices of the Peace acting for the County of *Lancaster* shall for that Purpose nominate; and such Surveyor shall annex to his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof, in the Form (or as near thereto as the Circumstances of the Case will admit) prescribed in the Schedule of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth "for the Suppression of voluntary and extra-judicial Oaths and Affidavits."

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

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

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

VII. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Estates, Interest or Interests therein, to be purchased by virtue of any of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, or Person or Persons under any Disability or Incapacity as aforesaid, such Monies shall, in case the same shall amount to or exceed the Sum

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

1 G. 4. c. 35.

Where less than 200*l.* and amounting to 20*l.*

VIII. And be it further enacted, That if any Money so contracted or agreed to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Estates, Interest or Interests therein, to be purchased for the Purposes aforesaid, belonging to any Corporation, or Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then

then and in all such Cases the same shall, at the Option of the Body or Bodies, or Person or Persons for the Time being entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, or Hereditaments, or Parts, Estates, or Interests, so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy, or Lunacy, (to be signified in Writing under their respective Hands,) be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Body or Bodies or Person or Persons making such Option, and approved of by the Committee of Directors of the Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties, and under the Seal of the said Company,) in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When less than 20*l.*

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

In case of a doubtful Title, the Person in Possession to be deemed the Owner.

X. And be it further enacted, That when any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies or Person or Persons who shall have been in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Body or Bodies or Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, Parts, Estates, or Interests, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless

it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Bodies, Person or Persons, was or were lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or to some Estate or Interest therein.

Expences of Purchase may be allowed by the Court.

XI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used, or in respect of which any Satisfaction, Recompence, or Compensation shall be payable, under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court to order the Costs, Charges, and Expences attending the Purchase or taking or using of such Lands, or which may be incurred in consequence thereof, and of the Reinvestment of the Purchase or Compensation Money in other Land, or so much of such several Costs, Charges, and Expences as the said Court shall deem reasonable, and likewise the Costs, Charges, and Expences occasioned only by the passing of this Act, and not by Litigation between Claimants or otherwise, of any Proceedings had as hereinbefore authorized for the Investment of such Purchase or Compensation Money in Government or Real Securities, and for the Payment of the Interest and Dividends thereof, and of such Government or Real Securities, or of the Money to be produced by the Sale thereof out of Court, together with the necessary Costs and Charges of obtaining the proper Order for such Purposes, to be paid by the said Company out of the Monies to be raised by virtue of this Act; and the said Company shall from Time to Time pay such Sums of Money, for such Costs, Charges, and Expences, as the said Court shall direct; and also that where in any other Cases the Purchase Money, for any Lands to be taken or used under the Authority of this Act, or any Monies payable for any Satisfaction, Recompence, or Compensation under this Act, shall by reason of or under any of the Provisions of this Act be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, it shall likewise be lawful for the said Court to order the reasonable Expences of any Party or Parties in procuring the same to be paid out of Court, together with the necessary Costs and Expences of obtaining the proper Orders for such Purposes, to be in like Manner paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company accordingly shall from Time to Time pay such Sums of Money, and in such Manner, and for such Purposes, as the said Court shall direct.

Power to sell Lands not wanted.

XII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, and by Indenture under their Common Seal to grant and convey, by way of absolute Sale in Fee Simple, or for such other Estate or Estates as they may have therein, all or any Part or Parts of any Messuages, Buildings, Lands, Tenements or Hereditaments purchased by or belonging to the said Company, and which shall not be wanted for the Purposes of this Act; and all such Conveyances shall be good, valid, and effectual, any Law, Statute, or Custom to the contrary thereof in anywise

anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of any of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parcel thereof, it shall be lawful for the Treasurer for the Time being of the said Company to sign and give Receipts for the Monies for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which any such Messuages, Buildings, Lands, Tenements, or Hereditaments shall be sold, or for so much thereof as in such Receipts shall be expressed to be received; and such Person or Persons shall not be answerable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Limiting the Amount of Capital Stock.

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

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

XIV. And be it further enacted, That the Capital or Joint Stock of the said Company shall be divided into Shares of Ten Pounds each, and such Shares as shall be issued after the passing of this Act shall be numbered, beginning with Number One, and proceeding with ascending Numbers in regular or arithmetical Progression, whereof the common Excess or Difference shall always be One, and the Shares in the original Undertaking subscribed or paid for before the passing of this Act, which are already numbered from Number One to Number Six hundred inclusive, and all new Shares in the said Undertaking, shall always be distinguished by the Number applied to or to be applied to the same; and the said Capital or Joint Stock of the said Company shall be and is hereby vested in the several Persons who now hold and who shall hereafter subscribe to the said Undertaking, their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit proportionably to the Number of Shares therein they shall severally possess; and all Persons, their several and respective Executors, Administrators, and Assigns, who shall severally hold One or more such Share or Shares, shall be entitled to and receive, at such Time and Times as the said Company shall direct and appoint, the entire and net Distribution of an equal proportionable Part (according to the Number of Shares held by them respectively) of the net Profits and Advantages of the said Undertaking that shall and may arise and accrue to, or be raised, recovered, or received by the said Company; and all and every Person and Persons having or holding any such Share or Shares as aforesaid shall bear and pay a proportionable Sum towards carrying on the Purposes of this Act, in manner herein directed and appointed; and all and every Person or Persons who are now entitled to and in the actual Possession of One or more of the said Six hundred Shares in the original Undertaking, and his, her, or their Executors, Administrators, or Assigns, and all and every Person or Persons who after the passing of this Act shall subscribe for or become entitled to and

shall

shall be in the actual Possession of One or more Share or Shares in the Capital or Joint Stock of the said Company, and his, her, or their Executors or Administrators shall be deemed to be Proprietors or a Proprietor of the said Undertaking, subject to the Provisions and Regulations in this Act contained.

Shares to be deemed Personal Estate.

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

Company's Property answerable for their Debts.

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

Company to continue liable for Contracts, &c.

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

Proprietors liable to the Debts of the Company in proportion to their Share of the Stock.

XVIII. And be it further enacted, That from and after the passing of this Act the several Persons composing the said Company shall severally and respectively stand personally responsible and answerable for all just Debts of the said Company, and to and for all just Demands of the Creditors of the said Company, and for the due Performance of all Contracts and Engagements entered into by the Committee of Directors of the said Company on behalf of the said Company, and for all Damages occasioned by the Execution of this Act, to the full Amount of their several and respective Shares in the said Capital or Joint Stock, but not further or otherwise: Provided always, that whenever Two or more Persons shall have jointly subscribed for or shall be jointly possessed of One or more Share or Shares in the said Undertaking, such Persons shall severally and respectively be answerable for the said Debts and Demands of the Creditors of the said Company, and other the Contracts and the Engagements aforesaid, to the full Amount of such Share or Shares, but not further or otherwise.

Power to raise Money by Mortgage.

XIX. Provided always, and be it further enacted, That in case the said Company shall be desirous of raising any Sum of Money which may be necessary for the Purposes of this Act by Mortgage of the said Undertaking, it shall be lawful for the said Company, at any Time after One Half of the aforesaid Capital Sum of Six thousand Pounds shall have been paid up, to borrow and take up at

Interest such Sum or Sums for the Use of the said Company as they shall think proper, not exceeding Two thousand Pounds, and either in One Sum or in several Sums, on the Credit of the said Undertaking, and the Buildings, Lands, and Tenements thereof, and the Profits and Advantages or any Part thereof arising or to arise to the said Company by virtue of this Act; and thereupon, by Writing under their Common Seal, to assign all or any Part of the Property and Effects of the said Company to such Person or Persons as shall lend or advance any such Money, or to his, her, or their Trustee or Trustees, Assignee or Assignees, as a Security for the Principal Money to be advanced, together with lawful Interest for the same; and the Charges and Expences of such Mortgage or Assignment shall be from Time to Time defrayed by the said Company out of the Money so borrowed; and every such Mortgage or Assignment shall be made by Deed duly stamped, in which the Consideration shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

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

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

Power of transferring Mortgages in a prescribed Form.

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



'I *A.B.*,

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

And every such Transfer shall be produced to the Clerk to the said Company, who shall cause an Extract or Memorial thereof to be entered in the Books of the said Company, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred; and for the entering of every such Transfer the said Clerk shall be paid, by the Person or Persons to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after the entering thereof as aforesaid, shall entitle the Person to whom such Transfer shall be made, and his or her Executors, Administrators, or Assigns, to the full Benefit of the Security thereby transferred.

XXI. And be it further enacted, That all Persons to whom any such Mortgage or Assignment shall be made shall be equally entitled one with the other to the said Undertaking and Property and Effects of the said Company, and the Profits and Advantages thereof so to be assigned, in proportion and according to the respective Sums in such Securities mentioned to be advanced, without any Preference by reason of the Priority of any such Assignment or on any other Account; and it shall not be lawful for any Person or Persons who shall have made any Transfer to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof, but neither such Mortgagee or Mortgagees, nor his or their Assignee or Assignees, (he or they not being previously a Proprietor or Proprietors of Shares in the said Undertaking,) shall be deemed a Proprietor of the said Undertaking, or be capable of acting in any respect as such. No Priority of Mortgages.

XXII. And be it further enacted, That the said Company, at any General Meeting or Special General Meeting to be called for that Purpose, or at any Adjournment thereof respectively, or the Committee of Directors for the Time being for managing the Affairs and Business of the said Company, shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Subscribers or Proprietors of Shares in the said Undertaking who shall not have already paid or contributed to the full Amount or Sum of Ten Pounds upon or in respect of each Share, their Executors, Administrators, Successors, or Assigns, as the said Power to make Calls.

said Company or the Committee of Directors shall from Time to Time find expedient for the Purposes of the said Undertaking, so that no such Call do at any One Time exceed Five Pounds upon each Share of Ten Pounds, and so that no Call or Calls shall be made but at the Interval of One Calendar Month at least from each other, and so that the total Amount of such Call or Calls shall not exceed the Sum of Ten Pounds in respect of each Share held by the several Proprietors, and so that Seven Days Notice at the least shall be given of every such Call as aforesaid in some Newspaper published in the Town or Township of *Over Darwen*, or in the Town or Township of *Blackburn*, or by Letter sent by Post addressed to such Proprietor at his or her Residence, or left for him or her there; and the respective Proprietors shall pay their entire Proportion of the several Sums of Money which shall be so called for into the Hands of the Treasurer of the said Company for the Time being, at such Times and Places as shall from Time to Time be appointed by the said Company or Committee of Directors in such Advertisements, Notices, or Letters.

Enforcing Payment of Subscription.

XXIII. And be it further enacted, That the several Persons who shall be or become Subscribers for and towards the said Undertaking, or who shall at any Time have or hold any Share or Shares in the Capital or Joint Stock of the said Company, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed or to be subscribed, or such Parts or Portions thereof as shall from Time to Time be called for pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the said Company or their Committee of Directors for the Time being; and in case any Person or Persons shall neglect or refuse to pay any such Money, at such Time or Times and in such Manner as shall be ordered and directed by the said Company, or their Committee of Directors as aforesaid, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or otherwise, in any of Her Majesty's Courts of Record at *Westminster*, together with lawful Interest, for the same from the appointed Time or Times of Payment, and full Costs of Suit, from such Person or Persons; and in like Cases of Neglect or Refusal where Two or more Persons shall have jointly subscribed for or be jointly possessed of any One or more of such Share or Shares, then in like Manner to sue for and recover the same from all or any of such joint Subscribers.

On Payment of Calls within One Month, the Shares to be forfeited and may be sold.

XXIV. And be it further enacted, That if any Subscriber to or Proprietor of any Share or Shares in the said Undertaking, his, her, or their Executors, Administrators, or Assigns, shall refuse or neglect to pay his, her, or their Proportion of the Money so called for as aforesaid for the Space of One Calendar Month next after the Time appointed for Payment thereof, with lawful Interest for the same from such appointed Time of Payment, then and in every such Case such Person or Persons so refusing or neglecting shall (whether the same shall have been sued for in any Court of Law or Equity or not) absolutely forfeit all his, her, or their Share or Shares in the said Undertaking and

and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, unless otherwise determined by a Special General Meeting; and all Shares which shall be so forfeited shall be vested in the said Company, and be sold at a public Sale to the highest Bidder for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided always, that no Advantage shall be taken of any such Forfeiture until after Fourteen Days Notice in Writing shall have been given by the Chairman of the Committee of Directors of the said Company, or by the Clerk of the said Company, to the Proprietor or Proprietors thereof, or left at his, her, or their last or usual Place of Abode, if he or they reside within the Limits of this Act, and if not, then by Letter sent by Post, nor unless the same Share or Shares shall be declared forfeited at some General Meeting or Special General Meeting of the Company held not sooner than One Calendar Month next after the Day on which Notice of such Forfeiture shall have been given as aforesaid; and every such Forfeiture, when so declared, shall be an absolute Indemnification and Discharge to and for the Proprietor who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, and Assigns, against all Actions, Suits, and Proceedings whatsoever, at Law or in Equity, for any Breach of Contract between such Proprietor so forfeiting and the said Company, for or on account of not paying such Call or Calls, or in regard to the future prosecuting of the said Undertaking; and every Share so sold shall be transferred to the Purchaser or Purchasers thereof by the said Company or Committee of Directors, under the Common Seal of the said Company, and the Name or Names of the Purchaser or Purchasers shall be registered in the Books of the Company, and such Purchaser and Purchasers shall be subject to all the same Liabilities as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking, and to all the Rules and Directions of this Act; and thereupon the Proprietor or Proprietors of such Shares so sold and transferred shall be and be deemed a Member or Members of the said Company to all Intents and Purposes whatsoever, and shall be entitled to all the same Privileges and Advantages as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking.

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

XXV. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares as aforesaid shall be more than sufficient to pay all Arrears of Calls as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company or the Committee of Directors shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences attending the same, any Share or Shares so vested in the said Company as aforesaid which

shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

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

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

Regulations respecting old and new Certificates of Shares.

Form of Certificate.

'The *Over Darwen* Gas Light Company.

'Number

'THESE are to certify, That of is the
'Proprietor of the Share Number of the Capital or
'Joint Stock of "The *Over Darwen* Gas Light Company," subject to
'the

'the Rules, Regulations, and Orders of the said Company, and that 'the said his [*or* her] Executors, Administrators, and 'Assigns, is [*or* are] entitled to such Proportion of the Profits and 'Advantages arising or to arise to the said Company as shall belong 'to such Share. Given under the Common Seal of the said Com- 'pany the of in the Year of our 'Lord .'

Shares may be sold and transferred.

XXVII. And be it further enacted, That it shall be lawful for the several and respective Proprietors of any Share or Shares in the said Undertaking, or for their Executors, Administrators, Successors, and Assigns, (as the Case may be,) to sell and transfer any such Share or Shares; and every such Transfer shall be in Writing duly stamped, and may be in the Form or to the Effect following; (that is to say,)

'I [*or* We] of in consideration of 'paid to me [*or* us] by of do 'hereby bargain, sell, and transfer to the said my [*or* our] 'Share [*or* Shares] Number [*or* Numbers] in the said 'Capital or Joint Stock, Property and Effects of "The *Over Darwen* 'Gas Light Company," to hold to the said his [*or* her] 'Executors or Administrators and Assigns, subject to the same Rules, 'Regulations, and Orders, and on the same Conditions, that I [*or* 'we] held the same immediately before the Execution hereof; and 'I [*or* we] the said do hereby agree to take and accept the 'said Share [*or* Shares], subject to the same Rules, Regulations, 'Orders, and Conditions. As witness our Hands and Seals this 'Day of in the Year of our Lord .'

Transfers to be registered.

And every such Transfer shall be produced and notified to the Clerk of the said Company, and shall be entered and registered by him in the Books of the said Company, and the Entry or Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred, for which Entry and Registry the Sum of One Shilling, and no more, for and in respect of each Share, shall be paid to the Clerk or other Officer making the same, by the Person requiring such Transfer; and a Copy of the Registry of the Transfer of any Share entered before the passing of this Act in the Books of the aforesaid Association acting under the Name of "The *Over Darwen* Gas Light Company," (and which Books shall be kept by the Clerk to the Company hereby incorporated,) signed by the Clerk or other authorized Officer of the Company hereby incorporated, and a Copy of the Registry of the Transfer of any Share which shall be registered as aforesaid after the passing of this Act, signed by the Clerk or other authorized Officer of the said Company, shall be sufficient Evidence of every such Sale and Transfer, and received as such in all Disputes, and in all Trials before any Court of Judicature; and no Purchaser or Purchasers of any Share or Shares in the said Undertaking, or his, her, or their Executors, Administrators, or Assigns, shall have any Part or Share in the Profits or Advantages of the said Undertaking, or receive any Interest or Dividends for or in respect of such Share or Shares so purchased, nor be entitled to vote at any Meeting or Meetings as Proprietor

or

or Proprietors of the said Undertaking in respect of such Share or Shares, unless such Entry or Registry of such Transfer shall have been made as aforesaid, or such Transfer shall have been produced and notified to the Clerk of the said Company as aforesaid.

For ascertaining Proprietorship of Shares in certain Cases.

XXVIII. And whereas by reason of Death, Insolvency, or Bankruptcy, or by the Absence from this Kingdom of the said Proprietors, or any of them, by Transfer of their, his, or her Right and Interest to some other Person or Persons, without any Registry being made thereof with the Clerk of the said Company, it may not be in the Power of the said Company to know who is or are the Proprietor or Proprietors of such Share or Shares; be it therefore enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof in manner herein-before specified, a Declaration in Writing shall be made by Two credible Persons before a Master or Master Extraordinary in Her Majesty's High Court of Chancery, or any One of Her Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, or Assigns; and such Declaration shall be delivered to the Clerk of the said Company, to the Intent that he may enter and register the Name or Names of every such Proprietor or Proprietors in the Register Books of the said Company; and in all or any of the said Cases the Person or Persons who for the Time being shall appear by the Register Books aforesaid of the said Company to be the Owner or Owners of any Share or Shares in the said Undertaking shall, for all the Purposes of Notice and Liabilities, be deemed and considered as the Proprietor or Proprietors thereof; and all the Parties interested under the Powers of this Act shall be bound and concluded by the Registry, and the said Company shall be fully and effectually indemnified in paying the Dividends, Interest, or Income arising from or in respect of such Share or Shares to the Person or Persons whose Name for the Time being shall appear in the said Register.

Proofs required when Rights accrue by Marriage or Death.

XXIX. And be it further enacted, That when any Person or Persons shall claim any Part or Share in the Joint Stock of the said Company, or the Profits thereof, in right of Marriage, a Declaration in Writing, containing a Copy of the Register of such Marriage, shall be made by some credible Person before a Master or Master Extraordinary in Chancery, or One of Her Majesty's Justices of the Peace, and shall be delivered to and left with the Clerk for the Time being to the said Company, who shall preserve the same, and make an Entry thereof in the Books of the said Company; and the said Clerk shall be paid for every such Entry the Sum of One Shilling, and no more, for each Share, before such Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof; and when any Person or Persons shall claim any Part or Share in the Joint Stock of the said Company, or the Profits thereof, under or by virtue of

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

Power to hold First and other General Meetings.

XXX. And be it further enacted, That it shall be lawful for the said Company, or any Seven or more of the Subscribers or Proprietors of Shares in the said Undertaking (holding collectively not less than Forty Shares), to meet from Time to Time, when and where they shall find convenient, in the said Village of *Over Darwen*, and the First General Meeting of the said Company shall be held in the Committee Room at the Gas Works of the said Company within the said Village on the Third *Thursday* next after the Day of the passing of this Act, or as soon after as conveniently may be; and the said Company, so assembled at such First General Meeting or at any subsequent General Meeting, shall have full Power to adjourn any such General Meeting and Meetings, to and to order and appoint such future General Meetings of the said Company to be holden from Time to Time at such Place or Places within the said Village as shall at such General Meeting be thought proper and convenient; and Two General Meetings at the least shall be held in every Year after the passing of this Act, on the First *Thursday* in the Month of *March* and the First *Thursday* in the Month of *September*, or within Ten Days then next after either of those Days, or on such other Day as shall be ordered and appointed pursuant to the Provisions of this Act; and all such Meetings shall be assembled before the Hour of Three of the Clock in the Afternoon, and not earlier than Ten of the Clock in the Forenoon, unless some other Hour shall be appointed under the Powers and Provisions of this Act: Provided always, that Notice of the Day and Hour for holding all such General Meetings by Adjournment shall be given by the Clerk of the said Company, or in case there shall be no Clerk, then by any Two or more of the

Proprietors, by Advertisement to be inserted in some Newspaper published or circulated in the said Village of *Over Darwen* Seven Days at least before the intended Day of Meeting, or by Letter addressed to the several Members of the said Company at their usual Residence respectively, and put into the Post Office, or left for them at their usual Residences Seven Days at least before the intended Day of Meeting; and at such First and other General Meetings the said Company shall and may proceed to carry this Act into execution; and in case on any Day on which such General Meeting shall be appointed or ought to be held in pursuance of this Act a sufficient Number of Proprietors holding a sufficient Number of Shares to constitute a General Meeting shall not be assembled within One Hour after the Time appointed for such Meeting to be held, or in case at any such General Meeting no Adjournment shall be made, then every such Meeting shall be deemed to be and is hereby declared to be adjourned to that Day Sevennight, and so on from Time to Time weekly until a sufficient Number duly qualified to constitute a Meeting shall be assembled.

Power for calling and holding Special General Meetings.

XXXI. And be it further enacted, That in case at any Time after any Adjournment of any General Meeting any Five or more of the Proprietors, being collectively possessed of or entitled to One hundred or more Shares in the said Undertaking, shall think proper that a Special General Meeting of the said Company shall be holden at an earlier Day than the Day to which any such General Meeting shall stand adjourned, then it shall be lawful for them, by Writing under their Hands left at the Office of the said Company, or given to the Clerk of the said Company, to require the said Clerk to call a Special General Meeting to be held on such Day as shall be specified in such Requisition, and such Requisition shall fully express the Objects for which such Special General Meeting is required to be called; and thereupon such Clerk shall give or cause to be given Notice thereof accordingly in some Newspaper published or circulated in the said Village of *Over Darwen*; and in case there shall be no Clerk, or the Clerk shall refuse to call such Meeting, or neglect to publish such Notice for the Space of Seven Days after such Requisition given as aforesaid, then it shall be lawful for such Proprietors, or any other Proprietors duly qualified as aforesaid, to call such Special General Meeting, by Publication of such Notice in some such Newspaper as aforesaid, and such Meeting shall be held at such Time and Place within the said Village of *Over Darwen* as they shall think fit; or it shall be lawful for any Five or more of the Committee of Directors for the Time being, if they shall think it necessary, without any such Requisition from the Proprietors, at any Time or Times, to call any such Special General Meeting by Notice to be published in some such Newspaper as aforesaid; provided always, that whether such Special General Meeting shall be called by the said Clerk or by the said Proprietors, Fourteen Days Notice of the Intention to hold such Special General Meeting shall be given by the Person or Persons calling the same, by Advertisement in some such Newspaper as aforesaid, and such Notice shall specify the Object or Purpose for which such Special General Meeting shall be so convened, and the Time

when and the Place where the same shall be held, and the said Company are hereby authorized to meet in pursuance of such Notice; and at such Special General Meeting it shall be lawful for the said Company, or any Ten or more Proprietors of Shares in the said Undertaking, then and there assembled, to proceed in the Execution of the Powers by this Act given to the said Company with respect to the Matters specified in such Notice only; and such Proprietors assembled at any such Special General Meeting, collectively possessed of or entitled to Forty Shares as aforesaid, shall have the same Powers, and the Acts of them, or the Majority of them, shall be as valid and effectual, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time by this Act appointed for holding a General Meeting of the said Company; and any such Special General Meeting may be adjourned from Time to Time if such Meeting shall find it necessary or convenient; or in case a competent Meeting shall not be assembled in due Time, according to the Provisions herein-before contained respecting the assembling of General Meetings of the said Company, then such Special General Meeting shall in like Manner stand adjourned to the same Day Sevennight at the same Place, from Time to Time, until a competent Meeting shall be assembled; provided that no other Business shall be transacted at any such Special General Meeting, or at any adjourned Special General Meeting, except the Business specified in the Notice for calling such Special General Meeting as aforesaid, or such Part thereof as shall have been left undecided.

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

XXXII. And be it further enacted, That at all General Meetings and Special General Meetings of the said Company to be held under the Authority of this Act, One of the Proprietors then present shall be elected to preside as Chairman, and all Questions shall be decided by the Majority of Votes; and in case the Number of Votes (to be reckoned as herein-after mentioned) on any Question, including the Vote of the Chairman, shall at any Time be equal, the Chairman shall have and give the casting Vote; and the several Proprietors shall be entitled to vote according to their respective Number of Shares; (that is to say,) each Proprietor shall have and be entitled to give One Vote in respect of every Share which he or she may have in the said Undertaking, the Proprietor of Three Shares shall be entitled to Two Votes, the Proprietor of Six Shares shall be entitled to Three Votes, the Proprietor of Ten Shares shall be entitled to Four Votes, and the Proprietor of Twenty shall be entitled to Six Votes; and all Votes shall be given and all Elections made by way of Ballot; but no Proprietor shall vote at any such Meeting upon any Question in which such Proprietor shall be interested in any other way than as being such Proprietor; and whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as One of the joint Proprietors of such Share or Shares shall be deemed to be the Proprietor of such Share or Shares for the Purpose of voting, and shall have the sole and entire Right of voting at all such Meetings in respect of such joint Share or Shares; and all Notices necessary to be given to the Proprietors of Shares in pursuance

ance of this Act shall, in such Cases of joint Ownership of any Share or Shares, be given to such Person, and being so given shall be considered as a Notice given to all the Proprietors of such joint Share or Shares.

Lunatics and Minors to vote by their Committees or Guardians.

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

Empowering Proprietors of Shares to vote by Proxy.

XXXIV. And be it further enacted, That the several and respective Proprietors of any Share or Shares in the said Undertaking, entitled to vote in respect of such Share or Shares at any General or Special General Meeting of the said Company, shall have full Power and Authority to vote at such General Meetings or at any Special General Meetings as aforesaid, either in Person or by Proxy, (every such Proxy being a Proprietor of a Share or Shares in the said Undertaking, and entitled to vote in respect of his own Share or Shares,) duly constituted under his or her Hand, or, in Cases of joint Possession of any Share or Shares, under the Hand of the Person whose Name shall stand first in the Register Book of the said Company, or, in Cases of Minors or Lunatics, under the Hand or Hands of his, her, or their Guardian or Guardians, or Committee or Committees, or in case of any Bodies Politic or Corporate, under their Common Seal; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say,)

Form of Proxy.

'I of One of the Proprietors of Shares in 'The *Over Darwen* Gas Light Company," do hereby nominate, 'constitute, and appoint of to be my Proxy, 'in my Name and in my Stead to vote or give my Assent to or 'Dissent from any Business, Matter, or Thing relating to the said 'Undertaking that shall be mentioned or proposed at any General 'Meeting or Special General Meeting or Meetings of the said Com-'pany, or any Adjournment thereof, if I shall not be present, in such 'Manner as the said shall think proper, according to 'his Opinion and Judgment, for the Benefit of the said Undertaking, 'or any thing relating thereto. In witness whereof I have hereunto 'set my Hand the Day of .'

Notice of Meetings, how to be given.

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

XXXVI. And

Appointment of Directors.

XXXVI. And be it further enacted, That *John Brandwood*, *Charles Potter*, *Seth Harwood*, *Eccles Shorrock*, *Henry Hilton*, *John Whardle*, *Edward Hilton*, *George Handel Openshaw*, *William Hutchinson*, and their Successors, to be appointed as herein-after mentioned, shall be and they or a Majority of them are hereby constituted and appointed the Committee of Directors for managing the Affairs and Business of the said Company.

Present Directors to continue in Office until the First Thursday in September 1840.

XXXVII. And be it further enacted, That the several Members of the said Committee of Directors herein-before named shall continue in Office and be respectively Members of the said Committee until the First *Thursday* in the Month of *September* which will be in the Year of our Lord One thousand eight hundred and forty, and until others shall be appointed in their Stead in pursuance of this Act.

Election of future Directors.

XXXVIII. And be it further enacted, That at the General Annual Meeting to be held on the First *Thursday* in the Month of *September* One thousand eight hundred and forty, or within Ten Days next after, or at some Adjournment thereof, and at the Annual General Meeting which shall be held on the First *Thursday* in the Month of *March* in every subsequent Year, or within Ten Days next after, or at some Adjournment thereof, Three of the said Committee of Directors shall go out of Office, and Three other Proprietors of Shares in the said Undertaking, being respectively Proprietors of at least Five Shares in the said Undertaking, shall be elected to be a Committee of Directors in the Place of the former Committee; nevertheless any Member or Members of the former Committee whose Office shall then have expired shall (if otherwise eligible) be again immediately re-eligible.

Qualification of Directors.

XXXIX. Provided always, and be it further enacted, That if any Person, being a Member of the said Committee of Directors, shall, either directly or indirectly, offer to take and succeed in taking any Contract, every such Person shall be disqualified from interfering and voting in any Matter to be discussed and argued by the said Committee of Directors, and shall cease to be a Member of the said Committee; and if any Person to be elected and appointed by virtue of this Act a Member of the said Committee shall at any Time cease to be a Proprietor of Five Shares at the least in the said Undertaking, or shall resign, or become bankrupt, insolvent, or incompetent to act, every such Person shall thereupon cease to act or vote at such Committee, and shall cease to be a Member thereof; and thereupon, in any such Case, or on the Death of any Member of the said Committee, it shall be lawful for the said Company, at any General Meeting or Special General Meeting to be held pursuant to the Directions of this Act, to elect and appoint some other Proprietor, who shall be duly qualified, in the Stead of such Person so disqualified, or ceasing to be a Member of the said Committee, or dying as aforesaid; and every such Proprietor so elected shall continue in Office as one of such Committee so long as the Person in whose Place or Stead he was elected would have been entitled to have continued in Office if such Disqualification or Death had not happened.

Meetings of Directors.

XL. And be it further enacted, That the Committee of Directors, or any Five or more of them, shall hold their Meetings at such Time and Place within the said Village of *Over Darwen* as they shall from Time to Time think proper and appoint, and shall choose from among themselves a Chairman and Deputy Chairman of the Meetings of the said Committee; and if it shall so happen that at any Meeting of the said Committee neither the Chairman nor Deputy Chairman so to be chosen as aforesaid shall attend, One of the Members of the said Committee then present shall be elected to preside as Chairman for that Occasion; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Directors at any of their said Meetings shall be decided and determined by a Majority in Number of Members present (the Number of Members present being not less than Five); and in case of there being an equal Number of Votes upon any Question, including the Vote of the Person acting as Chairman for the Time being, such Chairman shall have the decisive and casting Vote; and if on the Day appointed for any Meeting of the said Committee Five Members thereof shall not attend, then and in every such Case the Meeting shall be adjourned till such Time and to such Place as the Member or Members then present, or if none be present then as the Clerk of the said Company, or such other Person as shall attend in his Place, shall appoint; and any Two or more Members of the Committee of Directors may, at any Time when they shall think fit, call a Meeting of the Committee of Directors by Notice in Writing signed by such Two or more Members, to be sent by the Post or otherwise to the Residence or Address of every Member of such Committee, and also may renew the Meetings of the Committee although they may have been discontinued for Want of Adjournment, or may institute a new Meeting, independent of any Meeting appointed by Adjournment.

Chairman to have casting Vote.

Power of Directors.

XLI. And be it further enacted, That the Committee of Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to use the same (subject nevertheless to any Order which may be made at any General or Special General Meeting of the said Company respecting the Custody or Use thereof); and to meet and adjourn from Time to Time and from Place to Place; and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper; and to appoint the Times and Places in the said Village of *Over Darwen* of holding such General Meeting and Special General Meetings; to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out or disposed of for the Purposes of the said Company, as in contracting for and purchasing Lands, Tenements, or Hereditaments, Materials, Goods, and Chattels, for the Use of the said Undertaking; and to enter into Agreements or Contracts for lighting with Gas the said Village of *Over Darwen*, and all and every or any of such Streets, Roads, Lanes, and other public Passages and Places, Shops, Inns, Taverns, private Houses, Warehouses, Manufactories, and other Buildings as aforesaid; and in nominating, electing, appointing,

pointing, placing, or displacing any Engineer, Accountant, Assistant, Collector, Agent, Tradesman, Workman, Servant, or other Officer of the said Company, (not being a Treasurer or Clerk of the said Company,) with such Salaries, Gratuities, or other Recompence as to the Committee of Directors shall seem proper; and in ordering, directing, and employing the said Works and Workmen; and in selling and disposing of all Articles produced as aforesaid in the manufacturing of Gas; and in making, enforcing, and rescinding, compounding and compromising, all Contracts and Bargains touching or in anywise concerning the said Undertaking; subject to any special Regulations or Resolutions of the said Company in Restraint, Control, or Regulation of the Powers and Authorities by this Act granted, and to all which Regulations and Resolutions, not being contrary to any express Provisions or Directions in this Act, the said Committee of Directors shall pay due Obedience; and the said Committee of Directors may require and take such Security from any Officer or Officers or other Person for the faithful Execution of their respective Offices as they may think proper or reasonable.

Members of the Committee not to be personally liable.

XLII. And be it further enacted, That no Member of the Committee of Directors for the Time being shall, as Member of such Committee, be personally answerable for the Performance of any Contract or Agreement into which he shall enter hereafter as One of such Committee on behalf of the said Company, but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Committee of Directors shall have full Power to resort to and proceed against the said Company, either at Law or in Equity, for the Performance of every such Contract or Agreement, or for Damages occasioned by any Breach or Non-performance thereof: Provided always, that nothing herein contained shall extend or be construed to extend to release any of the Members or Shareholders of the said "*Over Darwen* Gas Light Company" from any Contracts, Actions, Claims, or Demands to which the said Members or Shareholders, or any of them, may be liable at the Time of the passing of this Act.

General Meetings to appoint a Clerk and Treasnrer.

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

Security to be taken from Treasurer.

XLIV. Pro-

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

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

Treasurer not to issue Money without an Order.

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

Books of Proceedings and of Accounts, &c. to be kept by the Clerk under this Act.

XLVI. And be it further enacted, That all Books of the Orders and Proceedings of the aforesaid Association acting as aforesaid by the Name of "The *Over Darwen* Gas Light Company," and all Books of the said Association heretofore kept by them or by their Secretary, containing the Names and Designations of the Holders of Shares in the Undertaking of the said Association, and the Transfers, Certificates, and Numbers of such Shares respectively, and all Books of the Accounts of the said Association, and all Vouchers and Documents

ments relating thereto, and all other Books heretofore kept by the Clerk or any other Officer of the said Association relating to the Affairs or Business of the said Association, shall henceforth be kept, by the Clerk of the Company hereby incorporated, in the Office of such Clerk, or by such other Officer of the said Company, or in such other Office of the said Company, as the said Company shall order and direct; and all Holders of Shares in the said Undertaking shall at all reasonable Times be allowed to inspect such Books, Papers, and Documents, without Fee or Reward.

Books to be kept by the Company.

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

Accounts to be kept of Receipts and Disbursements.

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

Officers to render Accounts when required.

XLIX. And be it further enacted, That all Officers who shall be appointed by the said Company or by their Committee of Directors shall from Time to Time, when thereunto required by the said Company or by their Committee of Directors, deliver to the said Company or to such Committee of Directors, or to such Person or Persons as the said Company or such Committee of Directors shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received by virtue of their Office, and how much thereof hath been paid and disbursed, and

for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their respective Hands to the said Company or to the said Committee of Directors, or to such Person or Persons as the said Company or the said Committee of Directors shall appoint to receive the same; and if any such Officer shall refuse or neglect to deliver up or produce such Accounts, and the Vouchers relating to the same, in his Possession or Power, in manner aforesaid, or shall refuse or neglect to pay the Money received on such Accounts, or the Balance of such Monies, or if any such Officer shall refuse or neglect to deliver up to the said Company or such Committee of Directors, to such Person or Persons as they shall appoint, within Ten Days after being thereunto required, all the Books, Papers, or Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Justice of the Peace for the County of *Lancaster*, upon Complaint made before him by or on behalf of the said Company or Committee of Directors, and such Justice is hereby required, to summon such Officer to appear before him, and upon his appearing, or upon satisfactory Evidence that such Officer cannot be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon Confession of the Officer against whom any such Complaint shall be made, or by the Oath or Oaths, Affirmation or Affirmations (as the Case may require) of any Witness or Witnesses, which Oath or Affirmation such Justice is hereby empowered and required to administer and take without Fee or Reward, or upon Inspection of the said Accounts, if produced, it shall appear to such Justice that any of the Money which shall have been collected or received shall be in the Hands of such Officer, such Justice may and he is hereby authorized, on Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer shall not appear before the said Justice at the Time and Place appointed for that Purpose, unless for some sufficient reason, or if appearing shall Refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to such Justice the several Vouchers and Receipts, Books, Accounts, Papers, and Writings, in his Custody or Power, belonging to the said Company, or any of them, then and in any or either of the Cases aforesaid such Justice may and he is hereby authorized, by a Warrant under his Hand and Seal, to commit such Officer to the Common Gaol or House of Correction for the County of *Lancaster*, there to remain without Bail or Mainprize, in case he shall be committed for Nonpayment of any Money received by him or in his Hands, until he shall have accounted for and paid the full Amount thereof, or compounded with the said Committee of Directors, and paid such Composition in such Manner as the said Committee of Directors shall appoint, (which Composition the Committee of Directors are hereby

hereby empowered to make,) or in case he shall be committed for not delivering any Accounts, Books, Papers, or Writings as aforesaid, until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof, to the said Company or Committee of Directors; provided that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Three Calendar Months.

Executors or Administrators of deceased Officers to account.

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

Not to prejudice Remedies against Sureties of Officers.

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

Dividends to be declared at the Annual General Meeting.

LII. And be it further enacted, That it shall be lawful for the said Company, at any General or Special General Meeting or some Adjournment thereof, from Time to Time to call for and examine all or any of the Accounts of the said Company; and at every Annual General Meeting which shall be held on the First *Thursday* in the Month of *March* in each Year, or within Ten Days next after, or some Adjournment thereof, a Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said Undertaking

dertaking (unless such Meeting shall declare otherwise), and such Dividend or Dividends shall be at and after the Rate of such Sum *per Centum* upon or for any Share in the said Undertaking as such Meeting or Meetings shall think fit to order and determine, and the same shall be paid to the respective Proprietors by the Treasurer of the said Company; but no Dividend shall be made whereby the Capital of the said Company shall be reduced, nor shall any Dividend be paid in respect of any Share or Shares, until all Calls for Money then made in respect thereof by virtue of this Act shall have been paid.

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

LIII. And be it further enacted, That all and every the Main Pipes and other Pipes and Works which have been purchased or provided and laid down or placed in the several Streets, Roads, Ways, Lanes, and other public Passages and Places within the Limits of this Act, belonging to the said Company at the Time of the passing of this Act, and all Retorts, Purifiers, Gasometers, Receivers, Cisterns, Engines, Machines, Pipes, Posts, Lamp Irons, Lamps, Erections, Buildings, Matters, and Things, the Property of or belonging to the said Company at the Time of the passing of this Act, shall be and the same and each and every of them are hereby vested in the Company incorporated by virtue of this Act.

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

LIV. And be it further enacted, That it shall be lawful for the said Company and they are hereby fully authorized and empowered from Time to Time to make, erect, and fix, or cause to be made, erected, and fixed, such Retorts, Purifiers, Gasometers, Receivers, Cisterns, Engines, Pipes, Machines, and other Erections, Buildings, and Works, within the said Township or Village of *Over Darwen*, in such Manner as the said Company shall think necessary or proper, for lighting with Gas the Streets, Roads, Ways, Lanes, and other public Passages and Places within the Limits of this Act, and any Manufactories, Warehouses, Shops, Inns, Taverns, private Houses, and other Buildings and Premises therein, and for carrying the Powers or Provisions of this Act into execution; and for such Purposes also from Time to Time (in a careful and workmanlike Manner, and doing as little Damage as may be) to break up the Pitchings and Pavements of the Footways or Carriageways of any Roads, Streets, Ways, Lanes, Bridges, and other public Passages and Places, or any of them, or any Part thereof, within the Limits of this Act, and also to break up the Soil of any private Grounds, Ways, Passages, and other Places, or any Part thereof, within the Limits aforesaid; and also to dig, sink, and make or construct any Culverts, Tunnels, Trenches, Soughs, or Drains, and to lay, put, or place any Main Pipes, Branch Pipes, and other Pipes, with all necessary Drain Boxes, Syphons, Plugs, Stopcocks, and other Apparatus, from such Gasometers or other Works, in, under, across, and along such public and private Places as aforesaid, or within or through any such Culverts, Tunnels, Trenches, Soughs, or Drains, and on, along, or over, aside, or under any Bridge or Bridges aforesaid, in such Manner as shall be necessary for the Purpose of supplying any Gas Lights, and carrying this Act into execution; and to erect, put, and place any

Posts, Pillars, Pilasters, Lamp Irons, Lamps, and other Apparatus in the same Roads, Streets, Ways, Lanes, Bridges, and other public Passages and Places, or any of them, and against any Wall or Walls erected on or adjoining to them; and from Time to Time to alter the Position of, and to repair, relay, and maintain, such Pipes, Stop-cocks, Drain Boxes, Syphons, and Plugs, or Branches; and also to carry, place, fit up, and furnish any Pipe or Pipes, Cocks, or Branches, or other necessary Apparatus, from any Main or Branch Pipes laid in any Road, Street, Way, Lane, Bridge, Passage, or other Place, public or private, into, through, or against any Dwelling House or Houses, Manufactories, public or private Buildings, or Grounds, for the Purpose of lighting the same, or any public or private Lamp, from any of such Mains or other Pipes; and to erect and set up any Machine or Apparatus requisite or necessary for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been placed or which shall be injured or damaged in such Dwelling House or Houses, Manufactories, public or private Buildings; and to do all such other Acts, Matters, and Things as the said Company shall from Time to Time think necessary for completing, amending, repairing, improving, suyplying, and using the same, and necessary and convenient for the Purposes of carrying this Act into execution, doing or occasioning as little Damage as may be, and making reasonable Compensation for any Damage occasioned thereby: Provided always, that no Gas Pipes shall be laid down in any of the Streets or Places aforesaid at a less Depth than Eighteen Inches at least from the Surface of the Street to the upper Part of the Pipe, except in passing over Bridges or Vaults: Provided also, that it shall not be lawful for the said Company, or their Agents or Workmen, or any other Person or Persons, under the Powers or Provisions of this Act, to break up the Soil or Pavement of any private Land or Ground, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Pavement not to be broken up without Notice being given to the Surveyer of the High-ways, &c.

LV. Provided also, and be it further enacted, That it shall not be lawful for the said Company to break up or open, or to cause any Part of the Soil or Pavement of any of the said Streets, Roads, Ways, Lanes, and other public Passages and Places to be broken up or opened, nor the Passage upon or over the same to be in any Manner obstructed, for any of the Purposes aforesaid, (save and except in Cases of sudden Escape of Gas, or other Emergency requiring immediate Repair or Alteration of any Gas Pipes,) until after the said Company, or their Clerk, Surveyor, Engineer, or other Officer employed by them, and acting under their Authority, shall have first given Notice of their Intention to break up or open the same Twelve Hours at the least and not more than Three Days next before such breaking up or opening shall commence, by Writing under their or his Hands or Hand, to the Surveyor of the Highways of the Township or District in which such Soil or Pavement shall be situate, or to the Clerk or Surveyor, or any One of the Surveyors

of the Trustees or Commissioners, Person or Persons, under whose Jurisdiction, Care, or Management such Streets, Roads, Ways, Lanes, and other public Passages and Places may happen to be, either by giving such Notice personally to such Surveyor or Surveyors, Clerk or Clerks, or leaving the same at his or their respective Dwelling House or Dwelling Houses, or usual Place of Abode or Business, and specifying in such Notice the particular Place or Places wherein and the Day when such Soil or Pavement is intended to be broken and opened: Provided nevertheless, that in case any such Surveyor of the Highways, or Surveyor or Surveyors of such Trustees or Commissioners, or any such Person or Persons, shall neglect or refuse to inspect or superintend any of the Works aforesaid before the Expiration of the Time herein-before authorized to be fixed for his or their Attendance as aforesaid, then the said Company shall be and are hereby fully authorized to do and perform the Works specified in the Notice which shall have been so given, without the Inspection of such Surveyor of the Highways, or such Surveyor or Surveyors of such Trustees or Commissioners, or such Person or Persons as aforesaid: Provided also, that the Soil or Pavement of any Street, Road, or other public Passage or Place as aforesaid shall be broken up under the Inspection of the Surveyor of the Highways of the Township or District in which such Soil or Pavement shall be situate, or of the Surveyor or One of the Surveyors of the Trustees or Commissioners, Person or Persons, under whose Jurisdiction, Care, or Management such Soil or Pavement shall be, and according to such Plan as such Surveyor shall approve, if such Surveyor shall, before the Expiration of the Time specified in the Notice lastly herein-before directed to be given to him, signify to the said Company, or their Agents or Servants, his Wish or Intention to prescribe a Plan upon which such Soil or Pavement should be broken up; and in case of any Difference or Dispute between such Surveyor and the said Company or their Agents or Servants thereon, then according to such Plan as shall be approved or ordered by any Justice of the Peace, who is hereby empowered to make such Order in the Premises as he shall think fit, on the Application of the said Company or their Agents or Servants, after hearing both Parties, or after hearing the Party only making such Application, upon Proof of Service of Notice on such Surveyor, specifying the Day or Time and Place when and where the Appearance before such Justice is intended to take place, and the Nonappearance of such Surveyor at the Day or Time and Place so specified in such Notice.

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

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

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

LVI. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company to carry or lay any Main or Mains, Pipe or Pipes, into or through or against any private Lands or Grounds (except into or through the Soil or Pavements of any Streets, Roads, Ways, Lanes, and other Passages and Places as aforesaid), or into or through or against any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, for the Purpose of lighting any of the Streets or Places, or any other Dwelling House or Dwelling Houses, Manufactory, public or private Building, or to continue the same, without the

the Consent in Writing of the Owner or Occupier of every such Land or Ground, Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, into or through or against which any such Main or Mains, Pipe or Pipes, may be carried or laid for the Purposes aforesaid.

Position of Pipes in private Grounds may be altered.

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

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

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

Company to remove Pipes, &c. when

LIX. Provided always, and be it further enacted, That in all Cases where it shall not have been otherwise stipulated by an Agreement in

Tenants quit, if so required to do.

in Writing between the said Company and any Person or Persons the said Company shall, at their own Expence, on the Expiration or Determination of the Tenancy or Tenancies of any Occupier or Occupiers whose Dwelling House or Houses, Manufactories, or public or private Buildings, shall be supplied with Gas in pursuance of this Act, or of any Occupier or Occupiers who shall have given such Consent as aforesaid, within Ten Days next after the Expiration or Determination of such Tenancy or Tenancies, upon receiving Two Days Notice in Writing for that Purpose from the Owner or Owners or succeeding Occupier or Occupiers of any such Dwelling House or Houses, Manufactories, or public or private Buildings as aforesaid, remove, take, and carry away, or cause to be removed, taken, and carried away, any Pipe or Pipes, Cocks, or Branches from any Main or other Pipes which shall have been introduced or laid by the said Company through, into, or against any such Dwelling House or Houses, Manufactories, or public or private Buildings as aforesaid, pursuant to the Powers for that Purpose in this Act contained, and shall repair and make good any such Dwelling House or Houses, Manufactories, or public or private Buildings, where the same shall have been so introduced or have been placed, any thing herein contained to the contrary thereof in anywise notwithstanding; and in default thereof it shall be lawful for such Owner or Owners, or such new or succeeding Occupier or Occupiers, as the Case may be, or any other Person or Persons acting under his, her, or their respective Authority, to cause such Pipes, Cocks, and Branches to be removed, taken, and carried away, (without being thereby subjected to any Penalty or Penalties or Costs for thereby unavoidably damaging the Works of the said Company,) and the Dwelling House or Houses, Manufactories, or public or private Buildings where the same shall have been introduced or placed to be repaired; and the reasonable Costs and Charges for so doing the same shall be immediately paid by the said Company, or their Treasurer for the Time being, to such Owner or Owners, Occupier or Occupiers, as the Case may be; and if such reasonable Costs and Charges be not paid within Twenty Days next after Demand shall be made by such Owner or Owners, Occupier or Occupiers, (Proof of such Demand being made by the Oath or Affirmation, as the Case may be, of a credible Witness, before a Justice of the Peace for the County of *Lancaster*,) all such reasonable Costs and Charges shall and may be levied and recovered by such Owner or Owners, Occupier or Occupiers, by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of Distress and Sale, by Warrant under the Hand and Seal of such Justice as aforesaid, which Warrant such Justice is hereby empowered to grant.

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

LX. Provided always, and be it further enacted, That in all Cases in which it shall be lawful for the said Company to cut off and take away the Supply of Gas from any House or Houses, Shops, Inns, Taverns, or other Buildings, Manufactories, Grounds, or Premises, under the Provisions of this Act, it shall also be lawful for the said Company, their Agents and Workmen, to enter into or upon any such House or Houses, Shops, Inns, Taverns, or other Buildings, Manu-

factories, Grounds, or Premises, in the Daytime, for the Purpose of removing, taking, and carrying away, and to remove, take, and carry away, any Pipe, Meter, Cock, Branch, or Apparatus, the Property of and belonging to the said Company, and also for the Purpose of repairing and making good any such House or Houses, Shops, Inns, Taverns, Buildings, Manufactories, and Premises, where such Pipe or Apparatus shall have been so introduced.

Company to reinstate Pavement, &c.

LXI. And be it further enacted, That when and so often as the Stones, Pavement, Ground, or Soil in or of any Street, Highway, Road, Lane, Passage, or Place, or any Part thereof, shall have been broken up or removed, under the Provisions of this Act, the said Company shall and they are hereby required, as soon as may be thereafter, at their own Costs and Charges, to fill in and effectually make good all Trenches and Drains, and to relay, reinstate, and make good such Stones, Pavement, Ground, or Soil, and for the Space of Six Calendar Months thence next ensuing, from Time to Time, andso often as thereunto required, to keep and renew the said Stones, Pavement, Ground, or Soil, and such Parts of the said Streets, Highways, Roads, Lanes, Passages, or Places as shall have been so broken up or removed as aforesaid, in good Repair, Order, and Condition, and of a level Surface, to the Satisfaction of the Surveyors of the Highways or Turnpike Trustees, or other Person or Persons having the Control, Direction, or Superintendence of such Stones, Pavements, Ground, or Soil, Streets, Highways, Roads, Lanes, Passages, or Places respectively, as well when the same shall have been broken up or removed for the Purpose of first laying down, as for the Purpose of repairing, relaying, and amending any Main, Pipe, Cocks, or Plugs, or for any other Purpose authorized by this Act; and the said Company shall at all Times and on all Occasions, at their own Costs and Charges, remove and carry away all surplus Earth, Filth, and Rubbish occasioned thereby; and during the Time that the Works hereby authorized are carrying on, and until such Stones, Pavement, Ground, or Soil shall be relaid, reinstated, or made good as aforesaid, the said Company shall provide and place necessary Lights at Night, and shall guard and fence off the said Works, so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Company shall make default in filling in and making good such Drains and Trenches, or in relaying and from Time to Time within the Period aforesaid reinstating and making good such Stones, Pavement, Ground, or Soil, or in putting and for the Space hereinbefore mentioned keeping the said Stones, Pavement, Ground, or Soil, and the said Parts of the said Streets, Highways, Roads, Lanes, Passages, or Places, in such good Repair, Order, and Condition, and of such level Surface as aforesaid, or in removing and carrying away all such surplus Earth, Filth, and Rubbish as aforesaid, or in providing and placing such Lights at Night, or in guarding and fencing off the said Works, so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case the said Company shall forfeit and pay for every such Offence the Sum of Five Pounds, one Half of which Penalty shall be paid to the Informer, and the other Half to the Surveyor or Surveyors of the Highways, or the Turnpike

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

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

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

LXIII. And

Contracts, Debts, &c. of the Company before this Act, to be available, &c.

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

Power for the Company to contract for lighting Streets, &c.

LXIV. And be it further enacted, That it shall be lawful for the said Company to enter into or make any Contract or Contracts or Agreements with any Body or Bodies Politic or Corporate, Trustees, Commissioners, Surveyors, Person or Persons, having the Control, Direction, or Management of the several Roads, Streets, Ways, Lanes, 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 Part thereof with Gas; and also to contract with any Body or Bodies Politic or Corporate, Commissioners, Trustees, Surveyors, Person or Persons, for lighting or supplying with Gas, and to provide with Lamp Pillars and Posts, Lamps, Glass, and Repairs thereof, any such Bodies or Persons, or any Roads, Streets, Ways, Lanes, or other Passages or Places, and all or any Churches, Chapels, Manufactories, Shops, Warehouses, Houses, or Buildings belonging to them or any of them, or in which they or any of them are interested, or over which they or any of them have the Direction or Control, in such Manner and under such Stipulations as the said Company shall think proper.

Recovery of Rents.

LXV. And be it further enacted, That in case any Body or Bodies Politic or Corporate, Commissioners, Trustees, Surveyors, or other Person

Person or Persons, who shall contract with the said Company, or agree to take or shall use or enjoy the said Gas, shall refuse or neglect, for the Space of Ten Days after Demand, to pay the Sum or Sums of Money then due, under their, his, or her Contract or Agreement for the same, to the said Company, according to the Terms and Stipulations of the said respective Parties with the said Company, it shall be lawful for the said Company or their Committee of Directors, or any other Person or Persons acting by or under their Authority, to levy the said Sum or Sums of Money in respect whereof such Refusal or Neglect shall happen, together with Costs, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same or any Part thereof, wherever such Goods and Chattels may be found, in the same Manner as Rents in arrear upon common Demise may by Law be recovered, rendering the Overplus (if any) to such Person or Persons so neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted, or the same Sum or Sums of Money, with full Costs of Suit, may be recovered in any of Her Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, or Information; and it shall also be lawful for the said Company to cut off and take away the Supply of Gas from the House or Houses, Manufactories, public or private Buildings, Grounds, or Premises of every such Person or Persons so making default in Payment of such Sum or Sums of Money then due by his, her, or their Contract to the said Company, for the Space of Ten Days after such Demand as aforesaid, and thenceforth to discontinue the Supply of Gas contracted or agreed for by such Person or Persons.

Penalty on Washings draining into River, &c.

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

or Privilege, nor more than One Imparlance, shall be allowed, and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased or determined: Provided also, that over, above, and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been sued for or recovered or not), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, or Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Body or Bodies Politic or Corporate, or Person or Persons, to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, and the said Company, or Body or Bodies Politic or Corporate, or Person or Persons, shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome and offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company, or Body or Bodies Politic or Corporate, or Person or Persons, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and the Amount of such last-mentioned Penalty shall and may be adjudged, recovered, and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

For stopping the Escape of Gas.

LXVII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company, in pursuance of this Act, the said Company shall, at their own Expence, immediately after receiving Notice, by Parol or in Writing, of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not, within Twenty-four Hours

next after such Notice by Parol or in Writing as aforesaid being given, effectually stop and prevent the Gas from further escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall have been suffered to escape as aforesaid, which Penalty shall from Time to Time be recoverable in a summary Way before One Justice of the Peace for the County of *Lancaster*, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by Warrant of such Justice, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

For the Protection of Water Pipes.

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

LXIX. And

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

LXIX. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, Way, Lane, or other public Passage or Place within the Limits of this Act, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Pipe to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, Ways, Lanes, and other public Passages and Places, unless in Cases where it shall be unavoidably necessary to lay the said Gas Pipes or other Conduits across any of such Water Pipes, in which Cases the said Gas Pipes or other Conduits shall be laid at the greatest practicable Distance from the said Water Pipes, and shall form therewith, as near as possible, a Right Angle; and in such Cases the said Gas Pipes or other Conduits so crossing any such Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any of the said Water Pipes than Four Feet at the least; and in laying down such Gas Pipes or other Conduits no Two or more of such Gas Pipes or other Conduit Pipes shall in any Case be joined together previous to their being laid in the Trench, but each Pipe shall be laid, as near as may be, in its Place in the Trench, and the Jointing with the other Pipes to be added thereto shall be done and completed after such Pipes shall be so laid or placed in the Trench, with proper and sufficient Materials; and all and every such Pipes or Conduits, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept and continued air-tight, so that in all and every respect the said Gas shall be prevented from escaping therefrom, and from every Part thereof, at all Times, upon pain of Forfeiture by the said Company or Person or Persons offending, for every such Offence, of any Sum not exceeding Ten Pounds.

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

LXX. And be it further enacted, That whenever the Water of any Company of Proprietors or other Owners or Proprietors of Waterworks, or of any other Person or Persons, or any Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Company, or of any Body Politic or Corporate, or any Person or Persons whomsoever, such Company, or Body Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the Body or Person whose Water shall be so contaminated, or the Party or Person using any such Water and suing for such Penalty; and in case such Water shall be contaminated or affected by the said Gas in any way whatsoever, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall, within Twenty-four Hours after Notice thereof in Writing, signed by the Clerk or other Officer of any Corporation, or by any Person whose Water shall be so contaminated or affected, or by any Person or

Persons

Persons consuming such Water, to be left at the usual Office or Place of transacting Business of the said Company, or Body Politic or Corporate, or Person or Persons aforesaid, cause the most proper and effectual Measures to be taken to stop and prevent Gas from contaminating or affecting any such Water; and in case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Communication whereof Notice shall be given as aforesaid, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Committee for the Time being of any Company of Proprietors of Waterworks, or other Body Politic or Corporate, or to the Owners or Proprietors of any Water Pipes, Well, or Pond, or to the Person or Persons consuming any such Water and making such Complaint as aforesaid, for the Use and Benefit of the same Body or Bodies, Owners or Proprietors, or Person or Persons, over and above the before-mentioned Penalty of Twenty Pounds, any Sum not exceeding Ten Pounds for each and every Day during which the said Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and in default in Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered against the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, before any Justice of the Peace for the County of *Lancaster*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Person complaining, for the Use of the Body or Bodies or Person or Persons whose Water shall be so contaminated, or to the Person or Persons consuming any such Water and making such Complaint as aforesaid.

For ascertaining if the Water be contaminated.

LXXI. And whereas it may be or become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Company, or Body Politic or Corporate, or Person or Persons manufacturing or furnishing any Gas as aforesaid; be it therefore enacted, That in every such Case it shall be lawful for any Company of Proprietors, or any Owners or Proprietors of any Waterworks, Well, or Pond, or other Person or Persons using or consuming any such Water, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company, or of the said Body Politic or Corporate, or Person or Persons aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from, or that the said Water has been contaminated by any Escape of Gas of the said Company, or of the said Body Politic or Corporate, or Person or Persons aforesaid; and if it shall appear

that such Water has been contaminated by any Escape of Gas of the said Company, or of any Body Politic or Corporate, or Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Road, Street, Way, Lane, or other public Passage which shall be taken up or disturbed, shall be borne and paid by the said Company, or by the said Body Politic or Corporate,, or Person or Persons as aforesaid, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Company, or of such Body Politic or Corporate, or Person or Persons as aforesaid, then and in such Case the Person or Persons so digging or searching, or causing such digging or searching as aforesaid, shall bear and pay all the Expences of such Examination, Repair, and Search, and also make good to the Company, or such Body Politic or Corporate, or Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company, or of such Body Politic or Corporate, or Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement or Ground of the said Roads, Streets, Ways, Lanes, or other public Passages or Places so broken or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice of the Peace as aforesaid, and recoverable in like Manner as any Penalty may be recovered by virtue of this Act.

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

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

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

LXXIII. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Pipe to communicate with any Pipe belonging to the said Company, nor fit or alter any of the Fittings of any Pipe or Pipes belonging to the said Company, without the Consent of the said Company in Writing first had and obtained, nor use Burners of a larger Dimension than he, she, or they shall contract

contract to pay for, or supply any Inhabitant or other Person with any Part of such Gas.

Service Pipes to be kept fully charged with Gas.

LXXIV. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put down by the said Company for lighting with Gas the Roads, Streets, Ways, Lanes, and other Passages and Places within the Limits of this Act, under any Contract or Agreement, shall be kept fully charged with Gas, and the Stopcocks shall be so formed and turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Penalty on wilfully, &c. damaging Pipes.

LXXV. And be it further enacted, That if any Person shall wilfully or maliciously destroy, damage, or injure, or cause to be destroyed, damaged, or injured, any Pipe, Pedestal, Post, Plug, Lamp, or other Apparatus, Matter, or Thing, or any Part thereof respectively, belonging to the said Company, or shall wilfully or maliciously extinguish or put out any One or more of the public Lamps or Lights, or wilfully or maliciously waste or improperly use any of the Inflammable Air or Gas supplied by the said Company, or shall alter, exchange, or remove the Burners from the Pipes of Supply, or shall wilfully or maliciously do or commit, or cause to be done or committed, any Injury or Damage to the Main Pipes or Service Pipes of the said Company, every Person so offending in any of the respective Premises, and being thereof convicted before One Justice of the Peace, shall for each and every such separate Act or Offence forfeit and pay to the said Company any Sum not exceeding Ten Pounds, and the Amount of Damage done or occasioned.

Satisfaction to be made for accidental Damages of Lamps, &c.

LXXVI. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidently break, destroy, throw down, damage, or injure any Lamp or Lamps, hung out, set up, or belonging to the said Company, or by any Person or Persons, at his, her, or their private Expence, or any Pipe, Pedestal, Post, Plug, Lamp, or other Apparatus, Matter, or Thing belonging thereto or to the said Company, or belonging to any Person or Persons, and set up by him, her, or them, at his, her, or their private Expence, or waste any Inflammable Air or Gas supplied by the said Company, or keep the Light or Lights burning for a longer Time than he, she, or they shall have contracted to pay for, or shall not, upon Demand by the said Company, or their Committee of Directors, or their Clerk or Engineer, or other Person or Persons authorized by them, make Satisfaction for the Damage done, or the Excess of Gas obtained and used by keeping the Lights burning longer than they shall have contracted for as aforesaid, then and in every such Case it shall be lawful for any One Justice of the Peace for the County of *Lancaster*, and he is hereby empowered and required, upon Complaint to him made, to summon before him the Party or Parties against whom such Complaint shall be preferred; and upon hearing the Allegations and Proofs on both Sides, or on Nonappearance of the Party or Parties so com-

complained against, to proceed *ex parte*, and to award such Sum or Sums of Money, by way of Satisfaction, to the Company, or to such other Person or Persons, (as the Case may be and require,) for such Damage or Excess, as such Justice shall think reasonable; and in case of Refusal or Neglect to pay any Sum or Sums so awarded within Fourteen Days next after Demand, it shall be lawful for such Justice and he is hereby required to cause the same, together with all Costs and Charges attending the Recovery thereof, to be raised and levied by Distress and Sale of the Goods and Chattels of the Party or Person liable to the Payment of such Sum or Sums of Money, by Warrant under the Hand and Seal of such Justice, rendering the Overplus, if any, after Payment of the Sum awarded as aforesaid, and the reasonable Costs and Charges of such Warrant, Distress, and Sale, to the Owner of such Goods and Chattels, and which Warrant any such Justice is hereby empowered to issue.

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

LXXVII. And be it further enacted, That when by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice of the Peace by or before whom any Offender or Offenders shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for levying of any Penalties or Forfeitures.

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

LXXVIII. And be it further enacted, That the said Company shall and they are hereby required to appoint a Treasurer, and to take Security as aforesaid from such Treasurer for the Performance of his Trust; and all Penalties, Forfeitures, and Damages, Costs and Expences, payable by the said Company by virtue of this Act, may be levied or recovered by Distress and Sale of the Goods and Chattels of such Company, or of the Goods and Chattels of such Treasurer: Provided always, that it shall be lawful for any such Treasurer to pay and discharge, out of any Monies in his Hands, the Amount of all or any of such Penalties, Forfeitures, and Damages which upon Conviction before any Justice or Justices of the Peace shall be payable by the said Company by virtue of this Act; and it shall also be lawful for any such Treasurer against whose Goods and Chattels any such Warrant of Distress shall be issued forthwith to pay and discharge, out of any Monies in his Hands belonging to the said Company, the Amount of the Penalty or Forfeiture, or Damages, Costs, or Expences, for which such Warrant of Distress shall be issued, and also the reasonable Costs of such Warrant of Distress, and to charge such several Payments in his Accounts against the said Company as Monies paid by Authority and on behalf of the said Company, and the said Company shall allow such several Payments accordingly; and in case such Treasurer, at the Time of the issuing or executing of such Warrant of Distress, shall not have any or sufficient Monies for making such Payments in his Hands belonging to the said Company,

and

and shall nevertheless forthwith pay the same as aforesaid, or shall suffer any Loss, Damage, or Injury, by reason of such Distress, such Treasurer shall and may recover all Monies so paid, and the Amount of all Loss, Damage, or Injury so sustained, from the said Company, by Action of Debt or on the Case, or if the Amount thereof shall be less than Twenty Pounds, then by such other Ways and Means as any Penalty, Forfeiture, or Damages not exceeding Twenty Pounds may be recovered by virtue of this Act.

Mode of proceeding in Recovery of Penalties.

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

In case of Nonpayment of Compensation for Damages.

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

that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant or other Proceeding as aforeiaid.

Recovery and Application of Penalties.

LXXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise provided) shall be adjudged by and recovered before any Justice of the Peace for the said County of *Lancaster*, upon Proof of the Offences respectively before any such Justice, either by Confession of the Party offending or by the Oath (or, being a Quaker, by the Affirmation) of any credible Witness or Witnesses, which Oath or Affirmation such Justice is in every Case hereby fully authorized to administer and take, and such Justice is hereby authorized to convict the Party offending; and in default of Payment of such Penalties, Forfeitures, or Fines the same shall be levied, together with the Costs attending the Information, Hearing, and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which such Justice is hereby empowered to grant), and the Surplus (if any), after such Penalties, Forfeitures, and Fines, and the Costs of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case any such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereon to levy such Penalties, Forfeitures, or Fines, and the Costs of such Distress and Sale as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, and Costs may be levied, if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Goal or House of Correction for the County of *Lancaster*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Peualties, Forfeitures, and Fines respectively, and all reasonable

Costs attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, may be from Time to Time paid and applied in manner following; (that is to say,) one Moiety thereof shall be paid to the Informer, and the other Moiety thereof to such public Charity of and in the said Township or Village of *Over Darwen* as the said Justice shall think proper.

For securing transient Offenders.

LXXXII. And be it further enacted, That it shall be lawful for the said Company or any Member of the same, or for any of their Surveyors, Collectors, and other Officers, and such Person or Persons as they or any of them shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons, being unknown to such Company, Member, Surveyor, Collector, or other Officer, who shall commit any Offence or Offences against this Act, and to deliver him, her, or them into the Custody of any Police Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the said County of *Lancaster*, and such Justice or Justices is and are hereby required to proceed and act with regard to such Offender or Offenders according to the Provisions of this Act.

Form of Conviction.

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

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

Complaint to be lodged within Six Calendar Months.

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

Power to appeal to General or Quarter Sessions.

LXXXV. And be it further enacted, That any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Order or Determination

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

Compelling Attendance of Witnesses.

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

Corruptly swearing, Perjury.

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

Distress not unlawful for Want of Form.

LXXXVIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied under the Authority of this Act, the Distress itself shall not be deemed unlawful, nor

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

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

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

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

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

Execution may be issued against any Holder of a Share.

XCI. And be it further enacted, That in case any Execution upon any Judgment or Decree in any Action, Suit, or other Proceeding obtained against the said Company, whether as Plaintiff or as Defendant or Respondent, shall be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, upon the Application of the Party or Parties who shall have obtained such Judgment or Decree against the said Company, to issue Execution against any Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the Capital or Joint Stock of the said Company: Provided always, that in case such last-mentioned Execution against such Proprietor or Proprietors shall also be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the said Court, upon Motion to be made in open Court, or Notice to the Person or Persons sought to be charged, to issue Execution against any other Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the said Capital or Joint Stock of the said Company; provided also, that the Sum which shall be recovered from the Proprietor of any such Share or Shares shall not in any Case exceed the Sum or Sums remaining

No larger Sum to be recovered than the

remaining unpaid upon the Share or Shares of which such Proprietor shall be possessed, and for the Payment of which Sum or Sums such Proprietor would have been liable if called for by the Committee of Directors of the said Company: Provided also, that the Sum recovered from any such Proprietor shall be considered as so much Money advanced to and for the Use of the said Company; and it shall be lawful for the Committee of Directors of the said Company to make Calls in respect of any Share belonging to such Proprietor for such Sum of Money only as, together with the Sums already paid thereon, and the Sum recovered from such Proprietor in respect thereof, shall amount to the Sum of Ten Pounds for each such Share; provided also, that for the Purpose of ascertaining the Proprietors of the said Shares it shall be lawful for any Judgment Creditor or Creditors by Decree, at all reasonable Times, to inspect the Book containing the List of Proprietors of Shares in the said Capital or Joint Stock of the said Company, without Fee or Reward.

Amount remaining unpaid upon any Share.

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

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

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

Expences of the Act how to be paid.

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

Rules for construction of certain Terms in the Act.

Public Act.

XCV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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