ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. vii.

An Act for lighting with Gas the Town of *Stalybridge*, and the Neighbourhood thereof, in the Counties of *Chester* and *Lancaster*.

[22d *April* 1842.]

WHEREAS the Town of *Stalybridge*, and the several Townships, Hamlets, and Places in the Neighbourhood thereof herein-after mentioned, namely, the Townships of *Stayley*, *Matley*, and *Hattersley*, and the Hamlet of *Micklehurst*, in the Parish of *Mottram-en-Longdendale* in the County of *Chester*, the Hamlets or Townships of *Ridghill* and *Lanes*, *Heyrod* and *Luzley*, in the Parish of *Ashton-under-Lyne* in the County of *Lancaster*, and such Part of the Township of *Dukinfield*, in the Parish of *Stockport* in the said County of *Chester*, as is situate within the Limits of the Town of *Stalybridge* as defined by the Act for lighting, watching, and otherwise improving the said Town, are very populous, and increasing in Population, and it would be a Source of great Advantage to the Inhabitants thereof if the said Town, Townships, Hamlets, and Places were lighted with Gas: And whereas several

Persons who have been for some Time past and now are engaged in supplying the said Town and the District before described with Gas, and who have formed, under certain Articles of Agreement, an Association by the Name of "The *Stalybridge* Gas Company," are desirous of being incorporated, and of having Powers granted to them for the Purpose of more effectually carrying on the said Undertaking; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Ashton*, *Charles Anderton*, *Daniel Bardsley*, *Bernard Bardsley*, *Abel Bayley*, *Abdiel Berry*, *Charles Binns*, *George Booth*, *Mary Booth*, *Robert Booth*, *Edwin Buckley*, *Charles James Bayley*, *John Cheetham*, *Joseph Saville Roberts Evans*, *William Garside*, *David Harrison*, *James Hall*, *William Harrison*, *Henry Johnson*, *Samuel Lees*, *Alfred Reyner*, *Frederick Reyner*, *William Vaudrey*, *James Vaudrey*, *John Walker*, and *John Wagstaff*, and all other Parties who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose herein-after mentioned, and for such Purpose shall be incorporated by the Name of "The *Stalybridge* Gas Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands, within the Restrictions herein-after contained, for the Purposes of the said Undertaking.

Persons to be incorporated.

Name of the Company.

Purposes of the Company.

II. And be it enacted, That the Company shall be established for the Purpose of manufacturing Gas and providing Gasometers and all Apparatus and Machinery necessary for lighting with Gas all Streets and public Passages and Buildings, and also all Shops, Taverns, private Houses, Warehouses, and other Buildings within the said Town of *Stalybridge*, and the Townships, Hamlets, and Places adjoining or contiguous thereto, in the Counties of *Chester* and *Lancaster*, comprising the Townships of *Stayley*, *Matley*, and *Hattersley*, and the Hamlet of *Micklehurst*, in the Parish of *Mottram-en-Longdendale* in the County of *Chester*, the Hamlets or Townships of *Ridghill* and *Lanes*, *Heyrod* and *Luzley*, in the Parish of *Ashton-under-Lyne* in the County of *Lancaster*, and such Part of the Township of *Dukinfield*, in the Parish of *Stockport* in the County of *Chester*, as is situate within the Limits of the Town of *Stalybridge*, in the Counties Palatine of *Lancaster* and *Chester*, as defined by the Act for lighting, watching, and otherwise improving the said Town, and also for selling and disposing of Coke, and of all and every Product and Products, Refuse or Residue, arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, or of such Refuse or Residue, in such Manner as the Company may think proper.

Capital.

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

IV. And

Shares.

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

As to Shares held by present Shareholders.

V. And whereas the Subscribers to the said Articles of Agreement, upon and after the Execution thereof, paid the Sum of Twenty-two Pounds and Ten Shillings *per* Share, and have since paid the Sum of Seven Pounds and Ten Shillings *per* Share out of the Dividends divided from the net Profits of the Undertaking; be it enacted, That every Person entitled to a Share under the said Articles of Agreement shall be entitled to a Share of the Amount of Thirty Pounds created by this Act, without making any further Payment in respect of the same.

Shareholders not disqualified as Police Commissioners if otherwise duly qualified.

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

Shares to be Personal Estate.

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

Shareholders.

VIII. And be it enacted, That every Person who shall possess One Share or upwards in the Capital of the Company shall be deemed a Shareholder of the Company.

Registry of Shareholders.

IX. And be it enacted, That the Company shall keep a Book to be called "The Register Book of Shareholders," and in such Book shall be fairly and distinctly entered from Time to Time the Names of the several Corporations, and the Names and Additions of the several Persons being Shareholders of the Company, the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares, and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the first Ordinary Meeting, or at some subsequent Meeting of the Company.

X. And

Addresses of Shareholders.

X. And be it enacted, That in addition to the said Register of Shareholders the Company shall provide a proper Book, to be called "The Shareholders Address Book," in which the Clerk shall from Time to Time enter the Places of Abode of the several Shareholders of the Company; and every Shareholder, or if such Shareholder be a Corporation, the Clerk or Agent of such Corporation, may at all convenient Times peruse such Books *gratis*, and may require a Copy thereof, or of any Part thereof, and for every One hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence,

Certificates of Shares.

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

Certificates to be Evidence.

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

Certificates to be renewed when destroyed.

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

Transfer of Shares to be registered, &c.

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

being granted, and for such Endorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence, and such Endorsement being signed by the Clerk shall be considered in every respect the same as a new Certificate, and until such Transfer have been so delivered to the Clerk as aforesaid the Purchaser of the Shares shall not be entitled to receive any Share of the Profits of the said Undertaking, or to vote in respect of such Share.

Transfers not to be made until Calls paid.

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

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

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

Proof of Transmission by Marriage, Will, &c.

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

Notices to joint Proprietors of Shares.

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

Receipts for Money payable to Minors, &c.

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

Company not bound to regard Trusts.

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

Power to make Calls.

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

Interest on Calls unpaid.

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

Payment of Subscriptions before Calls.

XXIII. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls made upon the Shares in respect of which such Advance shall have been made, the Company may pay Interest at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Shareholder paying such Sum in advance and the Company shall agree upon.

Enforcement of Calls by Action.

XXIV. And be it enacted, That if at the Time appointed by the Company for the Payment of any Call the Holder of any Share fail to pay the Amount of such Call, the Company may sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same with Interest, at

the Rate of Five Pounds *per Centum per Annum*, from the Day on which such Call may have been payable.

Declaration in Action for Calls.

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

Matter to be proved in Action for Calls.

XXVI. And be it enacted, That on the Trial of such Action it shall be sufficient to prove that the Defendant, at the Time of making such Call, was a Holder of One Share or more in the Company, and that such Call was in fact made, and such Notice thereof given as is directed by this Act, and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the Amount of Five Pounds *per* Share, or that due Notice of such Call was not given, or that the Interval of Two Calendar Months between Two successive Calls had not elapsed.

Proof of Proprietorship.

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

Forfeiture of Shares for Nonpayment of Calls.

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

Notice of Forfeiture to be given before Declarationthereof.

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

Twenty-

Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

Forfeiture to be confirmed by a General Meeting.

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

Sale of forfeited Shares.

Evidence as to Forfeiture of Shares.

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

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

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

On Payment of Calls, forfeited Shares to revert.

XXXIII. And be it enacted, That if Payment of such Arrears of Calls, and Interest and Expences, be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid.

XXXIV. And

Extent of Liability of Shareholders.

XXXIV. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company not then paid up.

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

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

Reimbursement.

XXXVI. And be it enacted, That if by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to borrow Money.

XXXVII. And whereas a Sum exceeding One Half of the Capital of the Company has been paid up, be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of Five thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Works, Rates, and Rents, and the future Calls on the Shareholders of the Company, or give Bonds in manner herein-after mentioned.

Re-borrowing.

XXXVIII. And be it enacted, That if after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond the Company pay off the same, it shall be lawful for them again to borrow the Money so paid off, and so from Time to Time; but such Power of re-borrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so borrowed in order to pay off any existing Mortgage or Bond.

Evidence of Authority for borrowing.

XXXIX. And be it enacted, That a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors, or by the Clerk, to be a true Copy, shall be sufficient Evidence of the Order for borrowing Money having been made.

Mortgages and Bonds.

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

Rights of Mortgagees.

XLI. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Rates, Rents, Sums, and Premises comprised in such Mortgage, and of the future Calls payable by the Shareholders of the Company, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Application of Call notwithstanding Mortgage.

XLII. And be it enacted, That no such Mortgage (although it should comprise future Calls on the Shareholders) shall preclude the Company from receiving and applying to the Purposes of the Company any Calls to be made by the Company, so long as the Principal Money due on Mortgage does not exceed the Amount of all the Calls still remaining to be made.

Rights of Obligees.

XLIII. And be it enacted, That the respective Obligees in such Bonds shall proportionally, according to the Amount of the Monies secured thereby, be entitled to be paid out of the Rates, Rents, or other Property or Effects of the Company, the respective Sums in such Bonds mentioned, and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Company, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise however.

Register of Mortgages and Bonds.

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

Transfer of Mortgages and Bonds.

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

XLVI. And

Entry of Transfers of Mortgages and Bonds.

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

Payment of Interest on Loans.

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

Transfers of Interest to be stamped.

XLVIII. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferrable, except by an Instrument duly stamped.

Repayment of Money borrowed at a Time fixed

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

Repayment of Money borrowed where no Time fixed.

L. And be it enacted, That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and the Company may, at all Times, pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing, delivered to the Clerk, and if given by the Company, shall be by Writing, given either personally to such Mortgagee or Bond Creditor, or if such Mortgagee or Bond Creditor be unknown or cannot be found, such Notice shall be given by Advertisement in the *London Gazette*, and in some Newspaper as after mentioned; and at the Expiration of the said Notice, when given by the Company, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless on Demand of such Money the Company fail to pay the same pursuant to such Notice.

For enforcing Payment of Arrears.

LI. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs of any such

Interest. such Mortgage or Bond, at the respective Times at which such Interest, or such Principal and Interest and Costs, become due; be it enacted, That if such Interest, or any Part thereof, shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Bond Creditor may either sue for the Interest so in arrear, by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Principal and Interest. LII. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Bond Creditor may sue for the same in any of the Superior Courts of Law or Equity, or, if his Debt amount to the Sum of One thousand Pounds, he may alone, or if his Debt does not amount to the Sum of One thousand Pounds he may in conjunction with other Mortgagees or Bond Creditors, whose Debts, being so in arrear after Demand as aforesaid, shall, together with his, amount to the Sum of One thousand Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Appointment of Receiver. LIII. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices, and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Whole or a competent Part of the Rents or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Rents or Sums aforesaid, be fully paid; and upon such Appointment being made all such Rents and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

Mortgagees not to vote. LIV. And be it enacted, That no Party shall in right of any Mortgage be deemed a Shareholder, or be capable of acting or voting as such at any Meeting of the Company.

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

Power to convert Loans into Capital. LVI. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum herein-before authorized

to be borrowed, or any Part thereof, by creating new Shares of the Company instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital as aforesaid shall take place without the Authority of an Order of a General Meeting of the Company, called for the Purpose, previously obtained.

New Shares to be considered same as original Shares.

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

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

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

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

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

Application of Capital.

LX. And be it enacted, That all the Money raised by the Company, whether by Subscription of the Shareholders, or by Loan, or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or re-

lating thereto, and secondly, in carrying the Purposes of the Company into execution.

Ordinary Meetings to be held half-yearly.

LXI. And with respect to General Meetings of the Company, be it enacted, That the first General Meeting of the Shareholders of the Company shall be held within Two Months after the passing of this Act, and the future General Meetings shall be held in the Second Week in *January*, and the Second Week in *July*, in each Year, and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held in the Town of *Stalybridge*.

Business of ordinary Meetings.

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

Extraordinary Meetings.

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

Business at Extraordinary Meetings.

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

Extraordinary Meetings may be convened by Shareholders.

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

Notice of Meetings.

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

Quorum for a General Meeting.

LXVII. And be it enacted, That in order to constitute a Meeting (whether ordinary or extraordinary) there shall be present Five or more Shareholders, holding in the Aggregate Thirty Shares, and the Share-

Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened and to those only, and if within One Hour from the Time appointed for such Meeting the said Number of Shareholders qualified as aforesaid be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*.

Chairman at General Meeting.

LXVIII. And be it enacted, That at every Meeting of the Company some One of the Shareholders then present shall be elected to preside as Chairman.

Adjourned Meetings.

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

Votes of Shareholders.

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

Manner of voting.

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

Votes of Joint Shareholders.

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

Votes of Lunatics and Minors, &c.

LXXIII. And be it enacted, That if any Shareholder be a Lunatic or Idiot such Lunatic or Idiot may vote by his Committee, and if any Shareholder be a Minor he may vote by his Guardian, or any one of his Guardians.

First Directors.

LXXIV. And be it enacted, That the Number of Directors shall be Nine, and that *David Harrison*, *William Harrison*, *John Cheetham*, *Alfred Reyner*, *Henry Johnson*, *Charles Anderton*, *George Booth*, *Edwin Buckley*, and *Charles Binns*, shall be the first Directors of the Company.

Election of future Directors.

LXXV. And be it enacted, That the Directors appointed by this Act shall continue in Office until the Ordinary Meeting to be held in

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

Qualification and Disqualification of Directors.

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

Failure of Meeting for Election of Directors.

LXXVII. And in order to provide for the Accident of a sufficient Number of Shareholders not being present at any Meeting at which Directors are to be elected, be it enacted, That if at any Meeting at which an Election of Directors ought to take place Five Shareholders, holding in the Aggregate Thirty Shares, shall not be present within One Hour from the Hour appointed for the Meeting, no Election of new Directors or Re-election of existing Directors shall be made, nor shall any Business be transacted; but in such Case, at the Expiration of Fourteen Days from the Day of such intended Meeting, another Meeting shall be held at the same Place, and if at such other Meeting the said Number of Shareholders, so qualified as aforesaid, be not present personally within One Hour from the Hour fixed for the Meeting, such Meeting shall stand adjourned to the following Day, at the same Hour and Place; and if at the Meeting so adjourned the said Number of Shareholders, so qualified as aforesaid, be not present within One Hour from the Hour appointed for the Meeting, the existing Directors shall continue to act and retain their Powers until new Directors be appointed at the First Ordinary Meeting of the following Year.

Cases in which Office of Director shall become vacant.

LXXVIII. And be it enacted, That if any of the Directors, at any Time subsequently to his Election, accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director at any Time cease to be a Holder of Three Shares in the Company, then in any of the Cases aforesaid the Office of such Director shall become vacant,

and thenceforth the Persons in respect of whom the Office of Director shall so have become vacant shall cease from voting or acting as a Director.

Filling up occasional Vacancies in the Office of Director.

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

Powers of the Company to be exercised by the Directors.

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

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

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

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

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

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

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

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

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

Powers of the Company not to be exercised by the Directors.

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

Meetings of Directors.

LXXXII. And be it enacted, That the Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they shall meet and adjourn as they think proper from Time to Time and from Place to Place; and at any Time any Two of the Directors may require the Clerk to call a Meeting of the Directors; and in order to constitute a Meeting of Directors there shall be present at the least Three of the Directors; and all Questions, Matters, and Things considered at any such Meeting shall be determined by the Majority of Votes, and no Director except the Chairman shall have more than One Vote at any such Meeting, and if there be an equal Division of Votes upon any Subject entertained by such Meeting, the Chairman, in addition to his Vote as one of the Directors, shall have a casting Vote as Chairman.

Permanent Chairman of Directors.

LXXXIII. And be it enacted, That at the First Meeting of Directors held after the passing of this Act, and at the First Meeting of the Directors held after each annual Appointment of Directors, the Directors present at such Meeting shall choose one of the Directors to act as Chairman of the Directors for the Year following such Choice; and if the Chairman die or resign, or become disqualified to act, or otherwise cease to be a Member, the Members present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Members to fill such Vacancy; and every such Chairman, so to be elected as last aforesaid, shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional Chairman of Directors.

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

Contracts which may made by Directors.

LXXXV. And be it enacted, That the Power of the Directors to make Contracts on behalf of the Company may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which if made between any private Persons would be by Law required to be in Writing and under Seal, the Directors may make such Contract on behalf of the Company in Writing, and under the Common Seal of the Company:

With respect to any Contract which if made between any private Persons would be by Law required to be in Writing, and signed by the Parties to be charged therewith, then the Directors may make such Contract on behalf of the Company in Writing, signed by the Directors, or any Three of them, and in the same Manner may vary or discharge the same:

With respect to any Contract which if made between any private Persons would by Law be valid, although made by Parol only, and not reduced into Writing, the Directors may make such Contract on behalf of the Company by Parol only without Writing, and in the same Manner may vary or discharge the same.

And

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contract, either by the Company or any other Party thereto, such Actions or Suits may be brought either by or against the Company as might be brought had the same Contracts been made between private Persons only.

Contracts for Work.

LXXXVI. And be it enacted, That all Contracts made with the Company shall specify the Work to be done, the Quality of the Materials to be used, the Prices to be paid, the Term within which the Contract is to be performed, and the Penalties for the Non-performance thereof, or such other Things as the Company think proper; and the Company may take such Security for the Performance of such Contract as to them shall seem necessary; nevertheless the Company lawfully may from Time to Time, as they think fit, compound with any Person on account of any Breach or Non-performance of any such Contract for any Sum of Money which they think fit, or they may remit any Penalties on account thereof.

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

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

Informalities in Appointment of Directors not to invalidate Proceedings.

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

Indemnity of Directors.

LXXXIX. And be it enacted, That no Director, by being Party to, or making, signing, or executing, in his Capacity of Director, any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any Person whomsoever; and the Bodies or Goods or

or Lands of the Directors, or any of them, shall not be liable to Execution of any legal Process, by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments made, or Liability incurred, in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company shall apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and shall, if necessary for that Purpose, make Calls of the Capital remaining unpaid.

Election of Auditors.

XC. And with respect to the Appointment of Auditors, be it enacted, That the Company shall, at the first Ordinary Meeting in each Year, elect Two Auditors, in like Manner as is provided for the Election of Directors; and the Auditors so elected, being neither removed nor disqualified, nor having resigned, shall continue to be Auditors until others be elected in their Stead.

Qualification of Auditors.

XCI. And be it enacted, That every Auditor shall have at least the same Number of Shares as shall be required to qualify a Director, and he shall not hold any Office in the Company, nor be in any other Manner interested in its Concerns, except as a Shareholder.

Rotation as to Auditors.

XCII. And be it enacted, That the Auditors shall go out of Office at the End of every Year, but the Auditors so going out shall be immediately re-eligible.

Vacancies in Office of Auditor.

XCIII. And be it enacted, That if any Vacancy take place among the Auditors in the course of the current Year, then at any General Meeting of the Company the Vacancy may, if the Company think fit, be supplied by Election of the Shareholders.

Failure of Meeting to elect Auditors.

XCIV. And be it enacted, That the Provisions of this Act respecting the Failure of an Ordinary Meeting at which Directors are to be chosen shall apply to any Ordinary Meeting at which an Auditor is to be appointed.

Duty of Auditors.

XCV. And be it enacted, That it shall be the Duty of such Auditors to receive from the Directors the half-yearly or other periodical Accounts and Balance Sheet required to be presented to the Shareholders, and to examine the same.

Power of Auditors.

XCVI. And be it enacted, That for the above Purposes such Auditors may employ such Accountants and other Persons as they may think proper, at the Expence of the Company, and shall either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read, together with the Report of the Directors, at the Ordinary Meeting.

XCVII. And

XCVII. And be it enacted, That the Directors shall deliver to such Auditors the half-yearly or other periodical Accounts and Balance Sheet, Seven Days at the least before the ensuing Ordinary Meeting at which the same are required to be produced to the Shareholders, as herein-after provided. Delivery of Balance Sheet, &c. by Directors to Auditors.

XCVIII. And be it enacted, That the Remuneration of the Directors and Auditors shall from Time to Time be fixed by a General Meeting of the Company. Remuneration of Directors and Auditors.

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

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

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

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

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

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

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

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

Security to be taken.

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

Officers to account on Demand.

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

Summary Remedy against Parties failing to account.

CIV. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things in his Possession or Power, relating to the Execution of this Act, or belonging to the Company, then on Complaint thereof being made to a Justice, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him; and upon such Officer being so brought before him, or if such Officer cannot be found then in his Absence, such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justice may order such Officer to pay the same, and if he fail to pay the Amount, it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases, (that is to say,)

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

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

If

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

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

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Sureties not to be discharged.

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

Accounts to be kept.

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

Books to be balanced.

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

Inspection of Accounts by Shareholders at stated Times.

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

Balance Sheet to be produced.

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

CX. And

Annual Account to made up, and a Copy transmitted to the Clerk of the Peace.

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

Profits of Company limited to 10*l.* per Cent.

CXI. And be it enacted, That the Profits of the said Undertaking, divisible amongst the Proprietors of the said Company, shall not exceed Ten Pounds *per Centum per Annum* in any One Year on the Amount paid of respect in each Share in the said Undertaking.

For ascertaining the Profits.

CXII. And in order to ascertain the Profits of the said Undertaking, be it enacted, That the said Company shall cause a true and particular Account to be kept, and annually made up to the Thirtieth Day of *June*, or some other convenient Day in each Year, of all Monies received by them under the Authority of this Act, and of all Costs, Charges, and Expences of and attending the Purchase, Construction, repairing, and maintaining of the said Works, and the carrying on the said Undertaking; and if the clear Profits of the said Undertaking, after Payment of all such Costs, Charges, and Expences, shall in any Year amount to a larger Sum than shall be sufficient to make Distribution amongst the Proprietors of the said Company of Ten Pounds *per Centum per Annum* on the Amount paid in respect of each Share in the said Undertaking, the Excess beyond the Sum which may be necessary for the Purposes aforesaid shall from Time to Time be invested in Government or other Securities, and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest, until the Fund so formed shall amount to the Sum of Three thousand Pounds, which Fund shall form a contingent or reserved Fund, to answer any deficiency which may at any Time happen in the Amount of divisible Profits of the said Company, or to meet any extraordinary Claim or Demand which may at any Time arise against the said Company.

Abstract of Account of Receipt and Expenditure to be verified if required.

CXIII. And be it enacted, That when and so soon as such Fund shall, by Accumulation or otherwise, amount to the Sum of Three thousand Pounds, an Account of the said Contingent Fund, and of the Receipts, Expenditures, and Profits of the Company, shall be laid before the Justices assembled at the Quarter Sessions of the Peace for the County of *Chester*, and be filed with the Clerk of the Peace of the said County.

CXIV. And

Rates to be reduced if Profits more than 10*l.* per Cent.

CXIV. And be it enacted, That if it shall thereupon appear to such Justices that the Profits of the said Company for the preceding Year shall have exceeded Ten Pounds *per Centum per Annum* on the Amount paid in respect of every Share in the said Undertaking, the Company shall make such a rateable Reduction in the Rents and Prices of Gas to be furnished by the Company for the then current Year as the Company may deem prudent, or as in the Judgment of the Justices shall be proper, until by the Expenditure and Payments of the Company the Contingent Fund shall have been reduced below the said Sum of Three thousand Pounds, when the Price of the Gas may, if necessary, be again raised, and so from Time to Time as often as such Events shall happen.

Company may resort to Contingent Fund in case divisible Profits are less than 10*l.* per Cent.

CXV. And be it enacted, That if in any Year after the passing of this Act the Profits of the said Undertaking, divisible amongst the Proprietors thereof, shall not amount to the Sum of Ten Pounds *per Centum per Annum* on the Amount paid in respect of every Share, such a Sum may be taken from the Contingent Fund as, with the actual divisible Profits of such Year, will enable the Company to make a Dividend of Ten Pounds *per Centum per Annum* on the Amount paid in respect of every such Share, and so from Time to Time as often as the divisible Profits of the said Company shall fall short of Ten Pounds *per Centum per Annum* on the Amount paid in respect of every Share.

Dividend not to reduce Capital.

CXVI. And be it enacted, That the Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced.

Dividend not to be paid unless all Calls paid.

CXVII. And be it enacted, That no Dividend shall be paid in respect of any Share until all Calls then due in respect of that or of any other Share held by the Person to whom such Dividend may be payable shall have been paid.

Service of Notice upon Company.

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

Service by Company on Shareholders.

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

cient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Notices by Advertisement.

CXX. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper shall be advertised in some One Newspaper published or circulated in the County of *Lancaster*, and in some One Newspaper published or circulated in the County of *Chester*.

Authentication of Notices.

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

Releases to Witnesses.

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

Proof of Debts in Bankruptcy.

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

Tender of Amends.

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

Property now vested in the Company, or in any Person in Trust for the same,

CXXV. And be it enacted, That all Monies due to, and all Land, Property, Estates, or Interest, either at Law or in Equity, and all Choses in Action vested in the said Association or Company, or in any Person or Persons, to the Use of or in Trust for the said Association

ciation or Company, under or by virtue of the Articles of Agreement herein-before referred to, or by any Conveyance or Assurance in Law, shall immediately on the Commencement of this Act become vested in the Company incorporated by this Act, and all Terms of Years attendant by express Declaration, or by Construction of Law, in the said Land, shall be merged and be extinguished, but such Terms of Years shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Company to attend the Reversion and Inheritance; and the Company shall be liable for all the Debts and Engagements to which the Company established under the said Articles of Agreement were liable at the Time of the passing of this Act: Provided always, that nothing in this Act contained shall extend to discharge the Shareholders in the Company established under the said Articles of Agreement from any Debt, Obligation, or Liability to which they were subject at the Time of the passing of this Act.

to vest in the Company incorporated by this Act.

CXXVI. And be it enacted, That in addition to the Lands now vested, or intended to become vested by virtue of this Act, in the said Company, or in any Person in Trust or for the Use of the same, subject to the Provisions of this Act, it shall be lawful for the Company to agree with the Owners of any Lands which they may think requisite or proper for the Purposes of the said Undertaking for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, not exceeding in Quantity Six Acres, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Power to purchase Lands.

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

Parties under Disability enabled to sell and convey.

their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be a gross Sum.

CXXVIII. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage of Lands.

CXXIX. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

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

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

Compensation to absent Parties to be ascertained by Valuation.

CXXXI. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence, or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands; be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyances.

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

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

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

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

12 G. 1. c. 32.

12 G. 2. c. 34.

Application of Monies deposited.

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

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

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

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

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

Order for Application.

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

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

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

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

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

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

Court of Chancery may direct Investment or Payment of Money in rsepect of Leases for Lives, Year, &c., or Reversions, as they may think just.

CXXXVII. Provided always, and be it enacted, That where any such Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession deemed to be the Owner.

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

Costs in Cases of Money deposited.

CXXXIX. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Company; (that is to say,)

The Costs of the Purchase of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for; and,

The Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands; and also,

The Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Restraint on purchasing from inca-

CXL. And be it enacted, That the Company shall not purchase more than Six Acres from any Party under legal Disability, or who would

pacitated Persons.

would not be able to sell and convey such Lands except under the Powers of this Act; and if the Company purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the Whole or any Part of the Land so purchased, it shall not be lawful for any Party being under Disability to sell to the Company any other Lands in lieu of the Land so sold or disposed of by the Company.

Lands not wanted to be sold.

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

Effect of the Word "grant" in Conveyances.

CXLII. And be it enacted, That in every Conveyance of Lands to be made by the Company under this Act, the Word "grant" shall operate as express Covenants by the Company, for themselves and their Successors, to the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them or otherwise, for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them;

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances created by the Company;

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company, or their Successors, and all other Persons claiming under them;

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Company empowered to construct Gas Works, &c.

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

Company empowered to lay Pipes for lighting Buildings.

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

Pipes not to be laid in Buildings without Consent.

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

Power to break up Streets, &c.

CXLVI. And be it enacted, That it shall be lawful for the Company to lay down, alter, repair, or remove, in or under any Street or Highway within the Limits of this Act, any Pipes or other Works, and to erect or place on or in any such Street or Highway any Post, Pillar, Lamp Iron, or other Apparatus, and to alter the Position of and repair the same for the Purpose of supplying the Inhabitants within the same with Gas; and also to make any covered Sewers or Cuts for the Purpose of carrying off the Washings and waste Liquids which may arise in the Prosecution of the Works aforesaid, and for that Purpose to break up or open the Pavement or Soil of any such Street or Highway, and any public Sewer or Drain therein, they the Company doing as little Damage as may be in the Execution of the said Powers, and making Compensation for any Damage caused thereby in manner herein mentioned: Provided always, that the Company shall not be authorized to lay any Pipe in any public Sewer.

Notice to be served before breaking up Streets.

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

Streets to be broken up under Superintendence.

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

Streets broken up to be reinstated without Delay.

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

Penalty for Delay in reinstating the Streets.

CL. And be it enacted, That if the Company shall open or break up any Street, Highway, Sewer, or Drain without giving such Notice as aforesaid, or shall break up any Street, Highway, Sewer, or Drain in any other Manner than such as shall be agreed upon or determined as aforesaid, except in the Cases in which the Company are hereby authorized to perform such Works without any Superintendence or Notice, or if the Company make any Delay in completing any such Work, or in filling in the Ground, or making good the Pavement or Surface so opened or broken up in such Manner as the Persons having the Control or Management of the Street, Highway, Sewer, or Drain so opened or broken up as aforesaid, or their Officer, shall direct, or in carrying away the Rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the Place where such Pavement or Surface shall have been broken up, they shall forfeit a Sum not exceeding Five Pounds for every such Offence, and a further Sum not exceeding Forty Shillings for each Day that such Delay as aforesaid shall continue after the Expiration of Twenty-four Hours from the Time that such Delay shall have commenced

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

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

CLII. And

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

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

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

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

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

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

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

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

Power to contract for lighting Streets, &c.

CLVI. And be it enacted, That it shall be lawful for the Directors from Time to Time to enter into or make any Agreement with the Commissioners for lighting, watching, or otherwise improving the said Town, and the Trustees, Surveyors, or other Persons having the Control or Management of the several Streets, Highways, Bridges, and other public Passages and Places, or any of them, within the Limits of this Act, for lighting or supplying the same, or any of them,

them, with Gas, or for providing the same with Lamp Pillars and Posts, Lamp Brackets, Lamp Glass, and Repairs thereof; and also from Time to Time to enter into any Agreement with any Person whomsoever for lighting or supplying with Gas any public or private Building, in such Manner and upon such Terms as shall be agreed upon between the said Company and the respective Commissioners, Trustees, Surveyors, or other Persons; and it shall be lawful for such Commissioners, and for such Surveyors, with the Consent of the Inhabitants of the Township in which such Street, Highway, Bridges, and other public Passages and Places shall be situate, in Vestry assembled, and for such other Persons as aforesaid, to agree with the said Company for the Purposes aforesaid, and to pay, out of any Money under their Control, such Sums of Money as shall have been agreed to be paid to the said Company for the Purposes aforesaid.

Limiting the Price of Gas.

CLVII. And be it enacted, That it shall not be lawful for the Company to demand or receive from the Commissioners for lighting, watching, and otherwise improving the said Town of *Stalybridge* a Sum exceeding the average Rate *per* One thousand Cubic Feet of Gas which shall be charged by the Companies or Persons supplying Gas in the Towns of *Ashton-under-Lyne*, *Oldham*, *Rochdale*, *Stockport*, and *Manchester*, for lighting or supplying with Gas the several public Streets, Highways, and other Passages and Places in the said Towns respectively with Gas, at the Time of the Company entering into any Agreement with the said Commissioners for lighting or supplying the several public Streets, Highways, and other Passages and Places within the said Town with Gas.

Power to take away Pipes when Gas discontinued.

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

Recovery of Rents.

CLIX. And be it enacted, That if any Person supplied with Gas by the Company shall neglect to pay any Rent due to them at any of the Times of Payment thereof, it shall be lawful for the Company, or any Person acting under their Authority, to stop the Gas from entering the Premises of such Person, by cutting off the Service Pipe to such Premises, or by such Means as the Company shall think fit, and to recover the Rent due from such Person, if less than Twenty Pounds, together with the Expences of cutting off the Gas and Costs of recovering the same, by the same Means as any Damage for the Recovery of which no special Provision is contained in this Act are hereby directed to be recovered; or if the Rent so due shall amount to Twenty Pounds or upwards, it shall be lawful for the Company to

recover the same, together with the Expences of cutting off the Gas, in any of the Superior Courts, by Action of Debt or on the Case.

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

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

Penalty for wilfully damaging Pipes.

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

Satisfaction for accidental Damage to Lamps, &c.

CLXII. And be it enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any Meter, Pipe, Pedestal, or Lamp, supplied, hung out, set up, or belonging to the Company, or any Person, or keep the Lights burning for a longer Time than he shall contract to pay for, and shall not, on Demand, make satisfaction to the Company or to such Person for the Damage done, or the Excess of Gas obtained and used, then it shall be lawful for any Justice to summon before him the Person against whom such Complaint shall be preferred, and for any Two or more Justices, upon hearing the Allegations and Proofs on both Sides, or on Non-appearance of the Person so complained against, to award such Sum of Money, by way of Satisfaction to the Company, or to such Person, as the Case may require, for such Damages or Excess as such Justices shall think reasonable; and in case of Neglect to pay any Sum so awarded within Three Days after Demand, it shall be lawful for any such Justice, or any other Justice, to cause the same to be raised and levied by Distress.

Penalty for corrupting Water within the Limits of this Act.

CLXIII. And be it enacted, That if the Company or any Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith,

with, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then the Company or such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

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

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

Daily Penalty during the Continuance of the Offence.

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

Daily Penalty during the Escape of Gas after Notice.

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

Penalty on Gas-makers if Water contaminated.

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

Daily Penalty during the Continuance

CLXVIII. And be it enacted, That if the Company or the Person so making or supplying Gas shall not, within Twenty-four Hours next after

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

of the Contamination after Notice.

CLXIX. And whereas it may become a Question, upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the Company or any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the said Company, or of any Company or Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of the Company or such Person: Provided always, that before proceeding so to dig and examine, Twelve Hours Notice shall be given to the Company or Person making or supplying such Gas, of the Time at which such Digging and Examination are intended to take place.

Power to examine Gas Pipes to ascertain the Cause of Contamination.

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

The Expences to abide the Result of the Examination.

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

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

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

Persons supplying Gas to be liable to Indictment for Nuisance.

CLXXIII. And

Provision for Damages not otherwise provided for.

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

Justices may examine Parties and Witnesses.

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

Distress against the Company.

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

Distress against the Treasurer.

Reimbursement of the Treasurer.

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

CLXXVII. And

Publication of Penalties.

CLXXVII. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and, where any such Penalties are of local Application, shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same, or any Part thereof, are obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing Boards.

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

Penalties to be summarily recovered before Two or more Justices.

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

Penalties to be levied by Distress.

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

Imprisonment in default of Distress.

CLXXXI. And be it enacted, That it shall be lawful for the Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress, to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security by way of Recognizance or otherwise to the Satisfaction of a Justice for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

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

Penalties to be sued for within Six Months.

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

Penalty on Witnesses making Default.

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

Transient Offenders.

CLXXXV. And, with respect to Offenders, whose Names and Residences are not known, be it enacted, That any Officer or Agent of

of the Company, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against any of the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before Two or more Justices, without any Warrant or other Authority than this Act; and such Justices shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

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

Informalities.

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

Distress, how to be levied.

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

Distress not unlawful for Want of Form.

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

Parties may appeal to Quarter Sessions on giving Security.

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

CXCI. And

Court to make such Order as they think reasonable.

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

Costs.

Works not to be constructed on Earl of Stamford's Land without his Consent.

CXCII. Provided always, and be it enacted, That notwithstanding any thing herein contained it shall not be lawful for the said Company to take, use, or appropriate, for any of the Purposes of this Act, any Lands or Premises belonging to the Right Honourable *George Harry* Earl of *Stamford* and *Warrington*, whether in Possession or in Reversion, or in or upon which he has any Estate, Interest, or Charge, without the previous Consent of the said Earl, his Heirs, Assigns, or Successors for the Time being entitled to the said Lands, Premises, or Charges respectively, to be testified by Writing under his or their Hand and Seal or Hands and Seals.

Saving of Rights.

CXCIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to defeat, abridge, obstruct, or in any Manner interfere with the Powers and Authorities of the Commissioners acting under the Authority of the Act for lighting, watching, and otherwise improving the said Town, or of any Trustees, Surveyors, or other Persons having the Control, Superintendence, Direction, or Management of lighting or paving the said Town, or the Parishes, Townships, Hamlets, and Places within the Limits of this Act, or the Right of any Person whomsoever to pave, amend, or repair any of the said Streets, Ways, or public Places, or to make, enlarge, repair, or amend any Sewer, Drain, or Vault under any Street or Way or public Place within the Limits of this Act, or the Rights and Powers of the Trustees acting under the Authority of any Act for repairing and amending the several Turnpike Roads passing within the Limits of this Act; but such several Powers and Authorities may be exercised and enjoyed in the same full and ample Manner to all Intents and Purposes as if this Act had not been passed, save only so far as the same may be affected by the due and lawful Exercise of the Powers hereby vested in the Company.

Interpretation Clause.

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

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

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall extend to Corporation, whether Aggregate or Sole:

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

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

The Word "Clerk" shall include the Word Secretary:

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

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

The Expression "the Company" shall mean the Company incorporated by this Act; and,

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

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

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

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

"THE STALYBRIDGE GAS COMPANY."

Number

THIS is to certify, that *A. B.* of is the Proprietor of the Share, numbered , of "The Stalybridge Gas Company," subject to the Regulations of the said Company. Given under the Common Seal of the said Company the Day of in the Year of our Lord .

SCHEDULE (B.)

Form of Transfer of Shares.

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

SCHEDULE (C.)

Form of Mortgage Deed.

THE STALYBRIDGE GAS COMPANY.

Mortgage, Number £

BY virtue of an Act passed, *&c.*, intituled, *&c.*, We, "The Stalybridge Gas Company," in consideration of the Sum of Pounds, paid to us by *A. B.* of do assign unto the said *A. B.*, his Executors, Administrators, and Assigns, the Rents and Profits, and all Sums of Money arising by virtue of the said Undertaking,

Undertaking, [and (*in case such Loan shall be in anticipation of the Capital authorized to be raised*) all future Calls on Shareholders, *as the Case may be*,] and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*)]. Given under our Common Seal this Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Bond.

"THE STALYBRIDGE GAS COMPANY."

Bond, Number . £

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

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

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I *A. B.* of in consideration of the Sum of paid to me by *G. H.* of do hereby transfer to the said *G. H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage], numbered made by "The Stalybridge Gas Company," to bearing Date the Day of for securing the Sum of Pounds, and Interest, [*or, if such Transfer be by Endorsement*, the within Security,] and all my Right,

Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage*, and in and to the Rents and Profits and Property thereby assigned]. In witness whereof I have hereunto set my Hand and Seal this Day of One thousand eight hundred and .

SCHEDULE (F.)

Form of Conviction.

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before us, *C. D.* and *E. F.*, Two of Her Majesty's Justices of the Peace for the of [*here describe the Offence generally, and the Time and Place when and where committed,*] contrary to "The Stalybridge Gas Act, 1842." Given under our Hands and Seals the Day and Year first above written.

C. D.
E. F.

SCHEDULE (G.)

Form of Conveyance.

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

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