ANNO TERTIO

GEORGII IV. REGIS.

Cap. xxxi.

An Act for lighting with Gas the Town and Borough of *Wigan*, in the County Palatine of *Lancaster*.

[15th *May* 1822.]

WHEREAS the Town and Borough of *Wigan*, in the County Palatine of *Lancaster*, is large and populous, and is insufficiently lighted, and it would be advantageous to the Inhabitants thereof and others, if the Streets and other public Passages and Places in the said Town and Borough were better lighted: And whereas Inflammable Air, Carburetted Hydrogen, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor and Essential Oil, may be produced from Coal and other Substances: And whereas the said Inflammable Air, Carburetted Hydrogen or Coal Gas, being conveyed by means of Pipes, may be safely and beneficially used for lighting the several Streets, Highways, Squares, Market Places, and other Places, within the said Town and Borough of *Wigan*, and for lighting Shops, Inns, Taverns, Private Houses, Warehouses, and Manufactories therein; and the Coke may be beneficially employed as Fuel in Private Houses and Manufactories, and the said Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor and Essential Oil, may be used and applied in various other Ways with great Advantage: And whereas the several Persons herein-after named are willing and desirous, at their own Costs and Charges, to effect the several Purposes aforesaid; but such beneficial Purposes cannot be carried fully and completely into Execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted

acted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Proprietors incorporated into a Company.

William Acton, *William Ackerley*, *James Acton*, *John Acton*, *George Ainsley*, *John Ambler*, *Roger Anderton*, *Thomas Ascroft*, *William Atherton*, *John Atkinson*, the Right Honourable *Alexander* Earl of *Balcarres*, *Ralph Ball*, *James Barlow*, *Robert Barlow*, *James Battersby*, *Thomas George Bennett*, *Joseph Bevan*, *John Bimson*, *Ralph Bolton*, *Johnson Bradshaw*, *James Brown*, *James Bullock*, *John Bullock*, *Henry Bullock*, *John Burland*, *James Burland*, *George Caldwell*, *John Cartwright*, *William Caunce* Doctor of Medicine, *Samuel Cheetham*, *John Cooper*, *Thomas Coup Sizer*, *William Croudson*, *Nicholas Cowell* the younger, *Thomas Dobson Croft*, *Nehemiah Cowley*, *Robert Daglish*, *Thomas Darwell*, *John Dewhurst*, *James Donaldson*, *William Ducker*, *William Eccles*, *Richard Fegan*, *Adam Fairbrother*, *John Fisher*, *Benjamin Fletcher*, *John Fogg*, *Henry Gaskell*, *Jane Gaskell*, *Edward Glassbrook*, *John Glover*, *Thomas Green*, *James Greenough*, *Ralph Greenough*, *Alice Greenough*, *Margaret Greenough*, *Alexander Haliburton*, *Ann Haliburton*, *Ralph Hammersley*, *Joseph Heywood*, *John Hargreaves*, *Caleb Hilton*, *James Alexander Hodgson*, *John Hodgson*, *William Holgate*, *Mary Irlam*, *William Johnson*, *John Hodgson Kearsley*, *James Knight*, *Ralph Knight*, *William Lamb*, the Honourable *James Lindsay*, Sir *Robert Holt Leigh* Baronet, *John Lord* the younger, *Thomas Low*, *Ralph Low*, *William M'Ewen*, *Jonathan Marsden*, *Joseph Martlew*, *Richard Marsden*, *Rachael Melling*, *Thomas Moore*, *John Molineux*, *Christopher Morris*, *Robert Morris*, *Thomas Morris*, *Elizabeth Moon*, *James Nevill*, *William Nevill*, *James Newsham*, *Richard Newsham*, *James Potter*, *Benjamin Powell* Clerk, *William Ranicars*, *William Rawlinson*, *William Rich*, *Henry Robinson*, *George Robinson*, *Joseph Rogerson*, *James Rothwell*, *John Rothwell*, *Elizabeth Rowe*, *William Rowe*, *John Scott*, *John Sowerby*, *Joseph Standering*, *Aaron Stock*, *Archibald Stewart*, *Robert Swift*, *Thomas Swift*, *William Turton*, *James Taylor*, *Thomas Taylor*, *James Thompson*, *John Thompson*, *Ralph Thicknesse*, *Thomas Tickle*, *Alice Wareing*, *John Whittle*, *James Wigan*, *William Wigan*, *Isabel Wigan*, *Henry Wilson*, *Ralph Winstanley*, *Sarah Withnell*, *Thomas Wood*, *Edward Woodcock*, *John Woodcock*, *Elizabeth Woodcock*, *Thomas Woodcock*, *Edward Worthington*, and all and every such other Person or Persons as from Time to Time shall become a Subscriber or Subscribers, and be duly admitted a Proprietor or Proprietors, as hereinafter mentioned, and their respective Successors, Executors, Administrators and Assigns, shall be and they are hereby declared to be one Body Politic and Corporate, by

Their Style.

the Name of 'The *Wigan* Gas Light Company,' and by that Name shall have perpetual Succession and a common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm; and that the said Company shall be established for the Purpose of producing Inflammable Air, Carburetted Hydrogen, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor and Essential Oil, and for lighting with Gas the said Town and Borough of *Wigan*, and shall have full Power to make Contracts, or agree with any Commissioners, Directors, Trustees, Surveyors of Highways, or other Persons having the Control, Direction, or Management of lighting the said Town and Borough, or any Part or Parts thereof, or with any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate,

Collegiate, or Corporation or Corporations Aggregate or Sole, who may be willing and desirous of contracting or agreeing with the said Company for the lighting of the said Town and Borough, or of any public Streets, Roads, Squares or Market Places, or of any Manufactories or Places of public Exhibition, Shops, Inns, Taverns, or other Buildings, or private Houses, or any of them, within the said Town and Borough, and to sell and dispose of such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor and Essential Oil, and other Products as aforesaid.

Power to contract for the Purchase of Lands and Buildings.

II. And be it further enacted, That it shall and may be lawful to and for the said Company (or their Committee of Management), and they are hereby empowered to treat, contract, and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said Town and Borough, which the said Company shall deem requisite for the Purposes of this Act (not exceeding Three Statute Acres of Land in the whole), with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life or in Fee Tail, general or special, or with any Feoffees in Trust, Trustees, Executors, Administrators, Husbands, Guardians, or Committees of or for Lunatics or Idiots, or other Trustees whatsoever, or with any Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or with any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, who shall be willing to sell the same, for the Uses and Purposes of this Act; and upon Payment of the Purchase Money for any such Lands, Tenements, or Hereditaments, to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be), such Lands, Tenements, and Hereditaments may be taken and used for the Purposes of this Act; and it shall and may be lawful to and for the said Company to hold any such Lands, Tenements, and Hereditaments so to be purchased, without incurring, or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or any other Law or Statute whatsoever.

Bodies Politic, &c. empowered to sell.

III. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, general or special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Company to be purchased as aforesaid for the Uses and Purposes of this Act, to treat, contract and agree with the said Company for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Company, for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue and

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in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances and Assurances in the Law whatsoever, and without Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, and Interest, Use, Property, Claim and Demand whatsoever, of their said several Cestuique Trusts, and all Persons whatsoever claiming or to claim by, from, or under them, and of all Persons whatsoever entitled in Remainder or Reversion, expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail, and all other Estates in Possession, Reversion, Remainder or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or common Recoveries would do, if levied or suffered by the proper Parties in due Form of Law, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations, Aggregate or Sole, and all Tenants for Life or in Fee Tail, general or special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons, is and are and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

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

IV. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the *Wigan* Gas Light Company, together with the Name or Names of such Person or Persons as any Two or more of the Committee of Management shall, by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, stood and were settled and

limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

V. Provided always, and be it further enacted, That if any Money so contracted or agreed to be paid for any Lands, Tenements, or Hereditaments, to be purchased for the Purposes aforesaid, and belonging to any Body Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be named by the Person or Persons making such Option, and approved by Three or more of the said Committee (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any manner herein directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the High Court of Chancery.

Where not exceeding 20*l.*

VI. Provided always, and be it further enacted, That where such Money so contracted and agreed to be paid as last before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased for the Purposes of this Act, in such Manner as the said Committee of Management, or any Two or more of them, shall think fit, or in case of Infancy, Idiotcy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In cases of doubtful Title, the

VII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into

Party in Possession to be deemed the Owner.

into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expences of Purchases may be allowed by Court.

VIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

On Payment of Purchase Money Premises vested in the said Company.

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

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

Form of Conveyance.

‘ I [*or* we, *as the Case may be*,] of
‘ in Consideration of the Sum of
‘ paid to me [*or* us, *or* into the Bank of *England, as the Case may be*] by
‘ the

'the *Wigan* Gas Light Company, established under or by virtue of an 'Act passed in the Third Year of the Reign of King *George* the Fourth, 'intituled [*here insert the Title of this Act*], do hereby grant and release 'to the said Company and their Successors, all [*here describe the Premises 'to be conveyed*] and all my [*or* our] Right, Title, and Interest in and to 'the same and every Part thereof; to hold to the said Company and 'their Successors and Assigns for ever [*or, as the Case may be*] during all 'the Remainder of my [*or* our] Term, Estate, and Interest in the said 'Premises. In witness whereof, I [*or* we] have hereunto set my Hand 'and Seal, [*or* our Hands and Seals,] this Day of in 'the Year of our Lord One thousand eight hundred and .'

Empowering Company to re-sell Lands not wanted.

XI. And whereas the said Company, under the Provisions of this Act, may purchase Lands, Tenements, or Hereditaments, which may be found unnecessary, or which may not be wanted for the Purposes thereof; be it therefore further enacted, That it shall and may be lawful for the said Company to sell and dispose of, and by Indenture or Indentures under their common Seal, to grant and convey, by way of absolute Sale in Fee Simple, for a Consideration in Money, all or any Part or Parts of the Lands, Tenements and Hereditaments, which shall have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements or Hereditaments, or any Part or Parts thereof, it shall and may be lawful for the Treasurer for the Time being to the said Company, to sign and give a Receipt or Receipts for the Money for which the same shall be so sold, which Receipt or Receipts shall be sufficient Discharges to any Person or Persons for the Money therein and thereby expressed or acknowledged to be received; and such Person or Persons having *bonâ fide* paid the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

Subscriptions for Joint Stock not to exceed 10,000*l.*

XII. And be it further enacted, That the Capital or Joint Stock of the said Company, to be applied and used in establishing and carrying on the Undertaking and Purposes aforesaid, shall not exceed in the whole the Sum of Ten thousand Pounds Sterling; and that the said Sum of Ten thousand Pounds shall be divided into Shares of Ten Pounds Sterling each; and that the Shares in the said Undertaking and in the net Profits and Advantages thereof shall be deemed Personal Estate, and not of the nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

Works not to be begun until the Sum of 10,000*l.* shall have been subscribed.

XIII. And whereas the probable Expence of making the Works hereby authorized will amount to the Sum of Ten thousand Pounds; be it therefore further enacted, That the Works hereby authorized to be made, shall not be begun until the Sum of Ten thousand Pounds at the least shall have been subscribed for the Purpose of making the said Works.

No Person to hold more than 50 Shares.

XIV. Provided always, and be it further enacted, That in case any Person shall become possessed of more than Fifty Shares in the said Undertaking at one and the same Time, including the Share or Shares which he or she may hold, as well in his or her own individual Capacity, as his

or

or her Part of any Shares to which he or she may be jointly entitled in Partnership or otherwise, (except such Share or Shares as may happen to come to any such Person in right of Marriage, or by Devise, or other due Course of Law,) he or she shall, within Six Calendar Months after the Time of his or her becoming possessed of such Number of Shares exceeding Fifty (except as aforesaid), sell and transfer or otherwise dispossess himself or herself of the Excess, under a Penalty or Forfeiture of all his or her Right and Title to any Dividend or other pecuniary Advantage, which, after the Expiration of such Six Calendar Months, would become due in respect of such excessive Number of Shares; and all such Dividends and pecuniary Advantage shall, by the Treasurer of the said Company, be applied to and for the Use of the said Company.

Subscribers to share the Stock in proportion to their Subscription.

XV. And be it further enacted, That all and every Person or Persons, by or for whom any Subscription shall be made or accepted, or any Payment made pursuant to the Orders of any General Meeting or Meetings to be held by the said Company for that Purpose, for or towards raising the said Capital Sum of Ten thousand Pounds as aforesaid, his, her or their Executors, Administrators and Assigns, respectively (no such Subscription being less than Ten Pounds), shall have and be entitled to a Share of and in the said Capital Joint Stock of the said Company, in proportion to the Monies which he, she, or they shall have so contributed towards making up the same, and shall have and be entitled to a proportionable Share of the Profits and Advantages attending the Capital Stock of the said Company, and shall be admitted to be a Proprietor or Proprietors of and in the same.

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

XVI. And be it further enacted, That the several Persons composing the said Company shall severally and respectively stand responsible and answerable for all just Debts and Demands of the Creditors of the said Company, to the full Amount of their several and respective Shares in the Capital of the said Joint Stock: Provided always, that whenever Two or more Persons shall have jointly subscribed for, or shall be jointly possessed of any One Share in the said Undertaking, such Persons shall, severally and respectively, be answerable for the whole Amount of such Share, but not further or otherwise, as aforesaid.

Power to raise 2,500*l.* by Loan, or by creating new Shares.

XVII. And be it further enacted, That in case the aforesaid Sum of Ten thousand Pounds shall be found insufficient for the Purposes of this Act, then and in such case it shall be lawful for the said Company from Time to Time to raise any further Sum or Sums of Money for completing the said Undertaking, not exceeding in the whole the Sum of Two thousand five hundred Pounds, either by way of Loan on Security of the Property and Effects belonging to the said Company, or by raising and creating new and additional Shares in the said Concern, or by both of the said Ways and Methods; and in case it shall at any Time or Times be deemed advisable by the said Company to raise any Part or Parts of the said further Sum of Two thousand five hundred Pounds by way of Loan, then it shall be lawful for the said Company, or their said Committee of Management for the Time being, by and with the Advice and Direction of any General Assembly of the said Company, to borrow and take up the same at Interest, for the Use of the said Company, and thereupon to grant, execute, and deliver to or in favour of the Lenders thereof, such

Mortgages, Bonds, Obligations, or other Securities in Writing, as may be required, thereby binding the said Company, and the Estates, Stock, and Trade thereof, for the Repayment of the said Sum or Sums of Money so borrowed, with Interest for the same; and in case it shall at any Time or Times be deemed advisable by the said Company to raise any Part or Parts of the said further Sum of Two thousand five hundred Pounds by the Creation of new and additional Shares in the said Concern, then it shall be lawful for the said Company to raise the same amongst themselves, in such Proportions as to them shall seem meet, and for such Purpose to create such Number of new and additional Shares of Ten Pounds each, as may be deemed expedient; and every Subscriber towards raising such further Sum by Shares, shall be a Proprietor in the said Undertaking, and stand interested in all the Profits, Privileges and Advantages of the said Undertaking, and shall be liable to the like Burthens in proportion to the Amount of his or her Subscription, as generally and extensively to all Intents and Purposes, as if the same had been originally Part of the said Capital Stock of Ten thousand Pounds; any thing herein contained to the contrary thereof in anywise notwithstanding.

For enforcing Payment of Subscriptions.

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

Tickets of Shares to be delivered to the Proprietors.

XIX. And be it further enacted, That the said Company of Proprietors, or their said Committee of Management for the Time being, shall and they are hereby required to provide One or more Book or Books, in which the said Company or Committee shall cause the Names and Designations of the several Persons who are at present and shall be hereafter Subscribers to or Proprietors of the said Undertaking, with the Number of Shares possessed by each of the Subscribers and Proprietors, and also the proper Number by which every Share is to be distinguished, to be distinctly entered by the Clerk to the said Company, to be appointed as hereinafter mentioned, and after the making of such Entry in such Book or Books, a Certificate under the common Seal of the said Company shall be made out in respect of each and every Share in the said Undertaking,

specifying therein the proper Number of such Share, and the Name and Designation of the Proprietor thereof, which Certificate shall be delivered to the Proprietor of such Share upon Demand, and shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators and Assigns, to the Share therein specified, but the want of such Certificate shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof.

For ascertaining the Proprietorship of Shares in certain Cases.

XX. And whereas in case any original Holder or Proprietor of One or more Share or Shares in the said Undertaking, shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk or Clerks to the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to learn who is or are the Owner or Proprietor or Owners and Proprietors of such Share or Shares, in order to give him, her or them, or his, her or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share or Shares, and to maintain any Action or Actions, Suit or other Proceeding against him, her or them, or his, her or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, her or them, or his, her or their Executors, Administrators, Successors, or Assigns, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner hereinafter specified, an Affidavit shall be made and sworn by Two credible Persons, before a Master or Master Extraordinary of His Majesty's High Court of Chancery, or One of His Majesty's Justices of the Peace for the County Palatine of *Lancaster*, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her or their Executors, Administrators, Successors or Assigns, and that such Affidavit shall be submitted to the Clerk or Clerks of the said Company, to the Intent that he or they may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors to the said Undertaking, to be kept in the Office of the Clerk or Clerks to the said Company; and that in all or any of the said Cases, after Three Calendar Months Notice in Writing shall have been given by the said Clerk or Clerks to the Owner or Owners thereof, or left at his, her or their last or usual Place or Places of Abode, to pay his, her, or their Proportion of Money so to be called for, and such Person or Persons, his, her, or their Executors, Administrators, Successors or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the Subscribers and Proprietors, at any General Meeting after the Expiration of such Notice, to declare at any General Meeting, the same Share or Shares to be forfeited; and that in such Case the same shall and may be sold and disposed of in such Manner as the said Subscribers or Proprietors at any Meeting or Meetings shall direct, or otherwise become consolidated in the general Fund of the said Company.

XXI. And

First and other General Meetings of Proprietors.

XXI. And be it further enacted, That the said Company of Proprietors shall meet together at some convenient Place within the said Town and Borough, within Twenty-one Days next after the passing of this Act, between the Hours of Ten and Three, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time, either to the same Place or such other convenient Place in the said Town and Borough as the said Proprietors shall think proper; and that from and after the said first General Meeting of the said Company of Proprietors, there shall be in each Year Two Half-yearly General Meetings of the said Company, (that is to say) on the First *Thursday* in the Month of *November*, and the First *Thursday* in the Month of *May*, or within Ten Days next after such Days respectively, and also such and so many Special General Meetings of the said Proprietors as shall be called by the Committee of Management as hereinafter provided, of which several Half-yearly General Meetings and Special General Meetings Ten Days public Notice at the least shall be given by Advertisement in One of the Papers printed in *Manchester* in the said County, or in some other Paper circulated in the Neighbourhood, (and which said Notice shall specify the Purpose for which any such Special General Meetings are called); and the First Half-yearly General Meeting to be holden by virtue of this Act, shall be holden on the Seventh Day of *November* next, or within Ten Days next after the same; and that all such Half-yearly General Meetings and Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient; and that all such Meetings of the said Proprietors to be held as aforesaid, the Proprietors then present not being fewer than Fifteen in Number, shall and may proceed to Business, and act in the Execution of the several Powers hereby given to the said Company of Proprietors; and if it shall happen that there shall not appear at any of the aforesaid Meetings of the said Proprietors, a sufficient Number of the said Proprietors to act or to adjourn (Fifteen Proprietors being hereby declared sufficient in all Cases to proceed to Business, and Five Proprietors being hereby declared sufficient for the Purpose of Adjournment only), then, and so often as the Case may happen, such Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, and at the same Place and Hour at which the same ought to have been held as aforesaid.

General Meetings may make Bye-laws.

XXII. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any of their General Meetings as aforesaid, to make such Rules, Orders and Bye-laws as to them shall seem right and proper, for the good Government of the said Undertaking, and for regulating the Proceedings of their Committee of Management, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs and Business of the said Company, and for the Superintendance and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Rules, Orders and Bye-laws, or any of them, and to make others; and all Rules, Orders and Bye-laws, so made as aforesaid (being reduced into Writing, and the Common Seal of the said Company thereto affixed), shall be printed, and be binding upon all such Persons, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye-laws shall not be repugnant to the Laws of that Part of the United Kingdom

dom of *Great Britain* and *Ireland* called *England*, or any of the Directions or Provisions of this Act: Provided also, that Copies thereof shall be fixed and continued in the Office of the said Company; and all such Rules, Orders, and Bye-laws shall be subject to Appeal in manner by this Act directed.

Regulations as to General Meetings, and Manner of voting.

XXIII. And be it further enacted, That at every General Meeting of the Proprietors of the said Undertaking, One of the Proprietors then present shall be elected to preside as Chairman, and all Questions shall be decided by a Majority of Votes of the Proprietors present, according to their respective Number of Shares, (that is to say) in respect of One Share and less than Three Shares One Vote; for Three Shares and less than Six Shares Two Votes; for Six Shares and less than Ten Shares Three Votes; for Ten Shares and less than Fifteen Shares Four Votes; for Fifteen Shares and less than Twenty Shares Five Votes; for Twenty Shares and less than Thirty Shares Six Votes; for Thirty Shares and less than Forty Shares Seven Votes; for Forty Shares and less than Fifty Shares Eight Votes; and for Fifty Shares and upwards Nine Votes; and the Chairman of every such Meeting shall not only be entitled to vote in respect of his Shares, but in case of an Equality of Votes shall also have an additional or casting Vote: But nevertheless, it is hereby provided, that no Proprietor shall be entitled to vote at any Meeting of the said Company, in respect of any Share or Shares which he or she may possess in the said Undertaking, unless such Person shall have fully paid all Arrears due in pursuance of any Call or Calls which shall have been made upon or in respect of such Share or Shares, by the said Committee of Management for the Time being, nor shall any Person vote at any Meeting of the said Company upon any Question in which such Person shall be interested in any other way than as being a Proprietor in the said Undertaking.

In case of joint Proprietors how to vote.

XXIV. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company shall be deemed to be the Proprietor of such Share or Shares, for the Purposes next herein-after mentioned, (that is to say), such Person shall have the sole and entire Right of voting at all Meetings of the said Company in respect of such joint Share or Shares; and when any Notice in pursuance of this Act shall be given to such Person, the same shall be considered as a Notice given to all the Proprietors of such joint Share or Shares.

Empowering Proprietors of Shares to vote by Proxy.

XXV. And be it further enacted, That any Proprietor of any Share or Shares in the said Company's Stock, entitled to vote in respect of such Share or Shares at any General or Special Meeting of the said Company, shall have full Power and Authority to give his or her Vote or Votes at such General or Special Meetings as aforesaid, either in Person or by Proxy, every such Proxy being a Proprietor in the said Undertaking; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say),

Form of Proxy.

'I *A. B.* of One of the Proprietors of Shares of and in "The *Wigan* Gas Light Company," do hereby nominate, constitute,

‘ constitute, and appoint *C. D.* of to be my Proxy, in my ‘ Name and in my Absence to vote or give my Assent to or Dissent from ‘ any Business, Matter, or Thing relating to the said Undertaking, that ‘ shall be mentioned or proposed at any General or Special Meeting of ‘ the said Company, in such manner as the said *C. D.* shall think proper, ‘ according to his Opinion and Judgment, for the Benefit of the said ‘ Undertaking, or any Thing relating thereto. In witness whereof, I have ‘ hereunto set my Hand, the Day of One thousand ‘ eight hundred and .’

Not to have more than Nine Votes in addition to his own.

Provided always, that no Person shall vote by Proxy or Proxies for more than Fifty Shares, or be entitled to more than Nine Votes in respect of such Proxy or Proxies, upon any one Occasion; but if such Person be a Proprietor, he may also vote in Right of his own Shares on the same Occasion; and provided, that the Person applying to vote as Proxy, do always at the Time of voting produce his Appointment or Appointments.

Meetings to settle Accounts and declare Dividends.

XXVI. And be it further enacted, That any General Meeting or General Meetings, specially called for the Purpose, shall have full Power to call for and examine and settle the Accounts of the said Company, and of the said Committee of Management; and that, at one of the said Half-yearly General Meetings, or some Adjournment thereof, in each Year, one or more Dividend or Dividends shall be made, out of the Interest, Profits, or Advantages of the said Undertaking, unless such Half-yearly Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* for every Share, upon all and every the Sum and Sums of Money paid to the said Company by the said Subscribers, their Executors, Administrators, Successors, or Assigns, as such Half-yearly Meeting shall think fit to appoint and determine: Provided always, that no Dividend shall be made whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor within Eighteen Months next after the passing of this Act; nor shall any Dividend be paid in respect of any Share or Shares after a Day appointed for the Payment of any Call for Money in respect thereof, until such Call shall have been paid.

General Meetings may appoint a Treasurer and Clerk.

XXVII. And be it further enacted, That the said Company of Proprietors shall, at their said first General Meeting, or at some Adjournment thereof, elect and choose a Treasurer and a Clerk, for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General or Special Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk, or either of them, or any other Person or Persons who shall be hereafter elected and appointed to their respective Offices; and shall also, from Time to Time, elect, choose, and appoint in manner aforesaid, any other Person or Persons to act as Treasurer or Clerk of the said Company, in the Room of such of the said Officers as shall happen to die, or to resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers, or any of them, as at any such General or Special Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Company of Proprietors shall and they

they are hereby required to take sufficient Security from every Person who shall hereafter be appointed Treasurer of the said Company, for the faithful Execution of his Office, before he shall enter thereupon.

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

XXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

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

XXIX. And be it further enacted, That no Sum or Sums of Money shall be issued by the Treasurer or Treasurers, or other Officer or Officers to be appointed by the said Company, on account of the said Company, without an Order or Orders in Writing, signed by the Chairman of the Committee of Management for the Time being, and Two Members at least of the said Committee, present at some Meeting of the said Committee of Management.

Appointment of Committee of Management, Officers, &c.

XXX. And be it further enacted, That at the first General Meeting of the Proprietors to be held next after the passing of this Act, or at any Adjournment thereof, a Committee for managing the Affairs of the said Company shall be elected out of the Proprietors or Subscribers of Shares of and in the said Undertaking, and that such Committee shall consist of Thirteen Proprietors or Subscribers, and when elected they shall be the Committee of Management for managing the Affairs of the said Company, until others shall be chosen in their stead, as herein-after mentioned.

Committeemen contracting for Work to cease to have a Voice in the Committee.

XXXI. Provided always, and be it further enacted, That if any Person by this Act nominated, or who shall be elected a Member of the Committee of Management as herein-after mentioned, shall be or become a Dealer, either directly or indirectly, in any of the Articles to be provided or manufactured by the said Company, or shall offer to take or succeed in taking, or shall participate in any Manner in any Work to be done for the said Company, every such Person shall be disqualified to be a Member of the Committee of Management; and if any Person by this Act nominated, or to be appointed by virtue of this Act a Member of the said Committee, shall at any Time cease to be a Proprietor of the said Undertaking, or shall refuse or neglect, unless prevented by Illness or Absence from Home, to attend any Three successive Meetings of the said Committee, every such Person shall thereby cease to act or vote at such Committee, and shall be disqualified as aforesaid, and thereupon another Proprietor shall

be elected, in the Stead of such defaulting Member, to be a Member of the Committee.

Election of Committee.

XXXII. And be it further enacted, That at the Half-yearly General Meeting which shall be held in the Month of *May* which will be in the Year of our Lord One thousand eight hundred and twenty-three, or at some Adjournment thereof, and at every Half-yearly General Meeting which shall be held afterwards in the said Month of *May*, or at some Adjournment thereof, a new Committee of Thirteen of the Proprietors of Shares in the said Undertaking shall be elected in the Place of the former Committee, nevertheless Five of the said former Committee whose Office shall then have expired, shall (if otherwise eligible) be again immediately re-eligible; and that every Vacancy in the Committee, of Management, by Death, Resignation, or Disqualification, shall be filled up at a Special General Meeting to be called for that Purpose, within Sixty Days next after such Vacancy shall happen, and that the Person or Persons so to be chosen to fill such Vacancy or Vacancies shall (being duly qualified) continue in Office upon the same Terms, and only for the same Period, as the Person whose Place he shall supply would have continued, if his Office had not been vacated before the Time at which he must, according to the Provisions of this Act, have gone out of Office: Provided also, that all Notices herein-before directed to be given of any General or Special Meetings or Adjournments respectively, or to any of the said Proprietors upon any particular Occasion, and not herein-before otherwise provided for, shall be given to the said several Proprietors, or such individual Proprietors respectively, by Advertisement to be inserted Twice in some One or more Newspaper or Newspapers printed or circulated at *Manchester*, or in the Neighbourhood of the said Town and Borough of *Wigan*, or by Letters from the Clerk or Clerks of the said Company, and sent by the Post to each and every of the said Proprietors entitled to vote at such Meetings respectively, or to the individual Proprietor entitled to such Notice (as the Case may be), and that such Notices, when so published or given, shall be deemed and considered as personal Notice: Provided also, that if at such General Meeting, or Special General Meeting of the said Company of Proprietors, to be held under the Powers herein contained, there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least One hundred and fifty Shares in the said Undertaking, no Business shall be transacted at any such Meetings, except adjourning the same.

Committeeman not to act unless possessed of Three Shares.

XXXIII. Provided always, and be it further enacted, That no Person shall be eligible to be elected One of the Committee for managing the Affairs of the said Undertaking, unless at the Time of the Election he shall be entitled to Three Shares in the said Undertaking.

A certain Number of Proprietors may call a Special Meeting to remove any of the Committee, or to

XXXIV. And be it further enacted, That in case any Twenty or more of the said Proprietors being collectively possessed of or entitled to One hundred or more Shares in the said Undertaking, shall think that there is any Reason to complain of the Conduct of the Committee of Management for the Time being, or of any Member or Members thereof; or in case they shall think it necessary that any Vacancy or Vacancies in the said Committee, occasioned by Death or Absence, should be supplied by the

elect others, in certain Cases.

the Election of another or others, or for any other Reason shall think it right or expedient that a Special Meeting of the said Proprietors shall be called, then it shall and may be lawful for them to call a Special Meeting of the said Proprietors, to be held at such Hour and Place within the said Town and Borough of *Wigan* as they shall think fit, provided Fourteen Days Notice of the Time and Place and Purport of such Special Meeting, be given by the Persons calling the same, by Advertisement in One of the Papers printed at *Manchester* aforesaid, or in some other Paper circulated in the Neighbourhood, and by a Letter from the Clerk or Clerks, to be sent to or left for each Member of the said Committee at his Place of Residence; and at each Special Meeting it shall be lawful for the Proprietors then present, or the Majority of them, to remove all or any of the Committee, and to elect others in their Stead, or in the Stead of any Member dead or absent; and the Committee for the Time being shall produce their Accounts, and a Report of their Proceedings at such Special Meeting, if required by the Notice calling or convening the same: Provided always, that if at any such Special Meeting there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least One hundred and fifty Shares in the said Undertaking, the Power hereby given unto the said Company of Proprietors to remove all or any of the Committee, and to elect others in their Stead, on account of any Complaint against the Conduct of such Committee, shall not be exercised, but the Meeting shall be adjourned for that particular Purpose to the same Place that Day Fortnight, until there shall be present, either as Principals or Proxies, who shall be possessed of One hundred and fifty Shares as aforesaid; and the same Rules, Regulations, Penalties, and Provisions as are herein prescribed with respect to the Half-yearly General Meetings for choosing Committees, shall be applicable to the Meetings to be held for removing them: Provided also, that the said Proprietors shall not at any of their Special Meetings have Power to enter into and discuss any Subject but such as shall be specified in such Notice so to be given as aforesaid.

Meetings of Committee of Management.

XXXV. And be it further enacted, That the said Committee of Management shall or may hold their First Meeting within Six Days after their being appointed, at such Time and Place within the said Town and Borough of *Wigan* as they shall think proper, and have full Power and Authority to adjourn such First Meeting, and again to meet and adjourn from Time to Time, and from Place to Place, within the said Town and Borough, as they shall think fit; and the said Company shall from Time to Time appoint one of the Committee to preside as Chairman; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Management at any of their Meetings, shall be decided and determined by a Majority in Number of Members present (the Number present not being less than Five); and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman for the Time being, such Chairman shall have the decisive and casting Vote; and that, if on the Day appointed for any Meeting of the said Committee, Five Members qualified to vote shall not attend, that then and in every such case, the Meeting shall be adjourned till such Time as the Members or Member then present, or if none be present, as the Clerk or Clerks of the said Company, or such other Person as shall attend in his or their Place shall appoint; and that any Three or more

more Members of the Committee may at any Time, when they shall think fit, call a Meeting of the Committee by Notice in Writing, signed by such Three or more Members, to be sent by the Post, or otherwise, to the Residence or Address of every Member of such Committee.

Power of Committee, &c.

XXXVI. And be it further enacted, That the Committee of Management for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time, and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places, in the said Town and Borough of *Wigan*, of holding General and Special Meetings, and to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out or disposed of, for the Purposes of the same Company, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods and Chattels, for the Use of the said Undertaking, and entering into Agreements or Contracts for lighting with Gas the said Town and Borough, or any of such Streets, Market Places, Shops, Inns, Taverns, private Houses, Buildings, or private Places as aforesaid, and in nominating, electing, appointing, placing, or displacing any Officer, Agent, or Servant of the said Company (not being a Treasurer or Clerk of the said Company, who are to be elected and appointed, at a General Meeting of the Company, as herein-before mentioned), and with such Salaries, Gratuities, or other Recompence as to the said Committee shall seem proper; and in ordering, directing, and employing the Works and Workmen, and in selling and disposing of all Articles produced as aforesaid; and in making, enforcing, and rescinding, compounding and compromising, all Contracts and Bargains touching or in anywise concerning the same, subject to such Orders, Bye Laws, Rules, and Regulations, as shall at any Time be duly made by the said Company, in Restraint, Control, or Regulation of the Powers and Authorities by this Act granted; and the said Committee of Management may require such Security to be given to the said Company of Proprietors, from any Officer or Officers (not being a Treasurer or Clerk of the said Company), or other Person, for the faithful Execution of their respective Duties, as they may think proper or reasonable.

Orders, &c. to be entered in a Book.

XXXVII. And be it further enacted, That all Orders and Proceedings of the said Company, and of the Committee of Management, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings shall be signed by the Chairman for the Time being of each respective Meeting, or, for the Purposes of Adjournment only, by the Clerk of the said Company, and shall be deemed and taken to be original Orders and Proceedings, and allowed to be read in Evidence in all Courts and Places whatsoever.

Calls to be paid.

XXXVIII. And be it further enacted, That the said Company of Proprietors, or their Committee of Management for the Time being, shall have full Power and Authority to make such Call or Calls for Money from the several Proprietors or Subscribers of Shares in the said Undertaking, their Executors, Administrators, Successors and Assigns, as the said Company, or their said Committee of Management, shall from Time to Time find

find expedient for the Purposes of the said Undertaking, so that no One such Call do exceed Two Pounds upon each Share of Ten Pounds, and so that no Calls shall be made but at the Interval of One Calendar Month at least from each other, and so that the total Amount of such Calls shall not exceed the Sums subscribed for by the several Proprietors; and that the several Sums of Money which shall be so called for shall be paid into the Hands of the Treasurer of the said Company for the Time being, at such Times and Places as shall be appointed by the said Company or such Committee of Management, of which Times and Places Fourteen Days Notice at least in Writing shall be given by the Clerk of the said Company to the several Persons liable to pay such Calls, which Notice may be sent by the Post, or in such other manner as the said Company or such Committee of Management shall direct in that Behalf; and that if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money so to be called for during the Space of Three Calendar Months next after the Time appointed for Payment thereof, with lawful Interest for the same from such appointed Time of Payment; then and in every such Case such Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, or Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the rest of the said Company; and that all Shares which shall be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall go to and make Part of the Capital or Joint Stock of the said Company; but nevertheless, no Advantage shall be taken of any such Forfeiture of any Share or Shares until after Twenty-eight Days Notice in Writing shall have been given by the Clerk of the said Company to the Proprietor or Proprietors thereof, or left at his, her, or their usual Place of Abode; nor unless the same Share or Shares shall be declared to be forfeited at some General or Special Meeting of the said Proprietors, held not sooner than Two Calendar Months after such Forfeiture shall take place; and every such Forfeiture, when so declared, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, Successors, and Assigns, against all Actions, Suits, and Proceedings whatsoever, at Law or in Equity, for any Breach of Contract between such Proprietor or Proprietors so forfeiting, and the said Company, in regard to the future Prosecution of the said Undertaking.

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

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

ing any Money which shall be duly called for in respect of such Share or Shares as aforesaid.

Shares may be transferred.

XL. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, their Executors, Administrators, Successors, and Assigns, to sell and transfer any Share or Shares of which they shall respectively be possessed, and every such Transfer shall be in the Form and to the Effect following; (that is to say),

Form of Transfer.

'I [*or* we] of in Consideration of
'paid to me [*or* us] by of do
'hereby bargain, sell, and transfer to the said the Sum
'of Capital Stock of and in the Undertaking called
'The *Wigan* Gas Light Company, being my [*or* our] Share [*or*
'Shares] Number in the said Undertaking; to hold to
'the said Executors, Administrators, and Assigns, subject to
'the same Rules, Orders, and Restrictions, and on the same Conditions
'that I [*or* we] held the same immediately before the Execution hereof,
'and I [*or* we] the said do hereby agree to take and accept
'the said Share [*or* Shares] subject to the same Rules,
'Orders, Restrictions, and Conditions. As witness my Hand and Seal
'[*or* our Hands and Seals] this Day of in
'the Year of our Lord .'

Transfers to be registered.

And every such Transfer shall be produced and notified to the Clerk of the said Company, and shall be entered or registered in the Books of the said Company, and the Entry or Registry thereof shall specify the Date, Names of the Parties, and the Number of Shares transferred, for which Entry and Registry the Sum of Two Shillings and Sixpence shall be paid to the Clerk or other Officer making the same; and a Copy of such Registry, signed by the Clerk or other Officer of the said Company, duly authorized thereto, shall be sufficient Evidence of every such Sale and Transfer, and received as such in all Disputes and in all Trials before any Court in the United Kingdom; and that until such Transfer shall be entered or registered in the Books of the said Company as aforesaid, no Purchaser of any Share or Shares, their Executors, Administrators, Successors or Assigns, shall have any Part or Share in the said Undertaking, or in the Profits and Advantages thereof, nor shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, nor be entitled to any Vote at any Meeting or Meetings, as Proprietor or Proprietors of Shares in the said Undertaking.

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

XLI. Provided always, and be it further enacted, That after a Call for Money shall be made by virtue of this Act, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after the Day appointed for Payment of the said Call, until the Money so called for in respect of his, her, or their Share or Shares intended to be sold shall be paid; and that until such Money so called for shall be paid, any such Sale or Transfer of any Share or Shares shall be void; and all and every Person or Persons making Default herein shall be subject and liable to forfeit such his, her, or their Share or Shares in the said Undertaking, to and for the general Benefit of the said Undertaking, unless he, she, or they shall at the Time of such Sale or

Sales

Sales or Transfer, pay to the Treasurer of the said Company the full Sum of Money called for upon every Share so to be sold or transferred, such Forfeiture nevertheless to be first notified and declared in manner directed by this Act with respect to the Forfeiture of Shares for not answering the Calls to be made thereon.

Power to make and erect Retorts, &c.

XLII. And be it further enacted, That it shall be lawful for the said Company, and their Successors, and they are hereby fully authorized and empowered, by their Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Machines, or other Apparatus, upon any of the Lands, Tenements, or Hereditaments which the said Company may purchase for the Purpose, in such manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into Execution; and also to break up the Soil and Pavements of any Streets, Highways, Roads, Ways, Lanes, Passages, and other Places, or any Part of them; and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along such Places as aforesaid, and in such manner as shall be necessary for the Purpose of carrying this Act into Execution, or supplying any such Light as aforesaid; and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, Syphons, and Plugs or Branches, also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Road, Highway, Lane, Passage, or other Place by the said Company, by virtue of this Act, into, through, or against any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same, or any public or private Lamp, from any of such Mains or Pipes, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring or ascertaining the Extent of such Supply, and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged in such Dwelling House or Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things, as the said Company and their Successors shall from Time to Time think necessary, for completing, amending, repairing, improving, supplying, and using the same: Provided nevertheless, that nothing herein contained shall authorize or empower the said Company to carry or lay any Pipe or Pipes through or against any Dwelling House or Houses, Manufactories, public or private Buildings, Yards, or Grounds, for the Purpose of lighting any Dwelling House or Houses, Manufactory, public or private Buildings, or any other Place or Places, or to continue the same when so carried or laid down, without the Consent of the Owner and Occupier of every such Dwelling House or Houses, Manufactory, public or private Buildings, Yards or Grounds, through or against which any such Pipe or Pipes may be carried or laid for the Purposes aforesaid.

Company to remove Pipes, &c. when Tenants quit, if required.

XLIII. Provided always, and be it further enacted, That the said Company shall, at their own Expence, on the Expiration or Determination of the Tenancy or Tenancies of any Occupier or Occupiers whose Dwelling House or Houses, Manufactories, public or private Buildings, Yards, or Grounds,

Grounds, shall be supplied with Gas in pursuance of this Act, or within Ten Days after the Expiration or Determination of such Tenancy or Tenancies, upon receiving Three Days Notice in Writing for that Purpose, for or on Behalf of the Owner or Owners, or the succeeding Occupier or Occupiers of any such Dwelling House or Houses, Manufactories, public or private Buildings, Yards, or Grounds as aforesaid, remove, take, and carry away, or cause to be removed, taken, and carried away, any Pipe or Pipes, Cocks or Branches, from any Main or Pipe which shall have been introduced or laid by the said Company in any such Dwelling House or Houses, Manufactories, public or private Buildings, Yards, or Grounds as aforesaid, pursuant to the Power for that Purpose herein-before contained, and shall repair and make good such Dwelling House or Houses, Manufactories, public or private Buildings, Yards, or Grounds, where the same shall have been so introduced, any thing herein contained to the contrary thereof in anywise notwithstanding; and in default thereof, it shall be lawful for such Owner or Owners, or such new or succeeding Occupier or Occupiers, as the Case may require, or any other Person or Persons acting under their, his, or her respective Authority, to cause such Pipes, Cocks, or Branches to be removed, taken, and carried away, (without being thereby subjected to any Penalty or Costs, for thereby unavoidably damaging the Works of the said Company), and the Dwelling House or Houses, Manufactories, public or private Buildings, Yards, or Grounds, where the same shall have been introduced, to be repaired and made good, and the reasonable Costs and Charges for so doing the same shall be immediately paid by the said Company, or their Treasurer for the Time being, to such Owner or Owners, Occupier or Occupiers, as the Case may require: Provided nevertheless, that if such reasonable Costs and Charges be not paid within Four Days next after Demand shall be made by such Owner or Owners, Occupier or Occupiers, (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the said Borough), all such reasonable Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of such Distress and Sale, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said Borough, and which Warrant such Justice or Justices is and are hereby empowered to grant; and such Costs and Charges shall be paid to such Owner or Owners, Occupier or Occupiers, as the Case may require.

Pavement, &c. not to be broken up without Consent of Persons having the Property thereof.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize and empower the said Company, or any of their Officers, Agents, or Servants, to break up the Soil or Pavement of all or any Part of any of the public Streets, Roads, Squares, or Market-places, or other public Places in the said Town and Borough of *Wigan*, which are now or may be hereafter maintained and supported in repair by and under the Controul and Direction of any Surveyors of Highways, or other Person or Persons, or of any Trustees or Commissioners acting under the Authority of any Act or Acts of Parliament, without having first obtained the Consent of such Surveyors of the Highways, or of such Trustees or Commissioners, or the Consent of the Persons having the Property of such Soil or Pavement, in Writing, for the Purpose.

After Consent allowed for Company to break Pavement, no further Consent necessary.

XLV. Provided also, and be it further enacted, That in all Cases where any Consent is required to be and shall be obtained by the said Company, to break or take up or remove any Pavement, Soil, or Ground in or of any Streets, Roads, Squares, or Market-places, or other public Places in the said Town and Borough, in order to lay down any Main or Mains, Pipe or Pipes, to convey Gas, or for any other Purpose which may be required under this Act, nothing in this Act contained shall (after such Consent obtained as aforesaid, and after Twenty-four Hours previous Notice, or in case of Emergency, after Three Hours previous Notice in Writing from the said Company or their Clerk, given to or left at the Place of Abode of such Surveyor or Surveyors, or of the Clerk to such Trustees or Commissioners, or the Persons having the Property of such Soil or Pavement), be deemed or construed to extend to prevent the said Company (from Time to Time as Occasion shall or may require) from repairing such Main or Mains, Pipe or Pipes, or from breaking or taking up or removing any Pavement, Soil, or Ground in or of any Streets, Roads, Squares, or Market-places, or other public Places whatsoever, for the Purpose of laying down or repairing any such Main or Mains, or any Pipe or Pipes whatever, or for any other Purpose which may be required under this Act.

Pavement to be made good where Pipes are laid.

XLVI. Provided always, and be it further enacted, That the said Company of Proprietors and their Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Syphons, or Branches, shall do as little Damage as may be, and shall forthwith fill up the Trenches, and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and repair any Damage arising from any Drains, Sewers, or Cuts, which may be made for carrying off any Washings or Waste Liquids, without any Delay; and shall in the meantime fence or guard the Place or Places where any Ground shall be opened, and place and set up Lamps or Lights during the Night, in such manner as to prevent Accidents to Passengers, Cattle and Carriages: Provided always, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or in any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground, or removing any Rubbish, or making good any such Pavements or Roads, then and in every such Case it shall may be lawful to and for the Surveyor or Surveyors of the Highways of the said Town and Borough of *Wigan*, or any Person or Persons acting by or under the Authority of the said Surveyor or Surveyors, to fill in such Ground and remove such Rubbish, and to repair and make good the Pavement of any Street, Highway, Way, Lane, Passage, or Place, so broken up, and properly to guard and fence every such Trench, and to place and maintain every such Light and Lights during the Night, as to him or them shall appear necessary for the Purposes aforesaid, and the reasonable Costs and Charges thereof shall be paid by the said Company of Proprietors, or their Treasurer; and in default of Payment thereof for Twenty-one Days next after Demand shall be made by such Surveyor or other Person acting by or under his Authority, Proof of such Demand being made upon Oath of Two credible Witnesses, before One or more Justice or Justices of the Peace for the said Borough of *Wigan*, all such reasonable Costs and Charges, together with any Sum not exceeding Ten Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said

Provision in case of Default.

Company of Proprietors, or such other Person or Persons, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said Borough, and which Warrant such Justice or Justices is and are hereby empowered to grant; and such Costs, Charges, and Penalty shall be paid to such Surveyor or Surveyors.

Damages to be made good.

XLVII. Provided always, and be it further enacted, That the said Company, or their Successors, Servants, Agents, Workmen, or others, shall not, by any Work to be done by virtue of this Act, damage or injure any public Sewer or Drain within the said Town and Borough; and if any Damage or Injury shall unavoidably be done to any such Sewer or Drain, the said Company or their Successors shall forthwith well and sufficiently repair and make good every such Damage or Injury; and on Default thereof the Amount of such Damage shall be recoverable by the Surveyor or Surveyors of the Highways for the Time being of the said Town and Borough, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to carry off the Washings.

XLVIII. And be it further enacted, That it shall be lawful for the said Company, or any Person acting under their Authority, to make such Drains, of such Breadth and Dimensions, and in such Manner, as they shall respectively think expedient, under the Streets, Highways, Ways, Avenues, and Places within the said Town and Borough, for carrying off the Washings or other Waste Liquids which may arise in the Prosecution of the Works aforesaid, the said Company, and all Persons acting under their Authority, doing as little Damage as may be in making the said Drains, and immediately repairing all such Damages; provided that none of such Washings or Liquids, or any Lime or other Ingredient, Matter or Thing, which shall arise or be produced in the manufacturing or producing the said Gas, or in or by the Prosecution of any of the Works aforesaid, shall be conducted or conveyed into any River, Brook, or Stream of Water whatsoever.

Allowing Contracts for lighting Streets.

XLIX. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the Highways of the Town and Borough of *Wigan* for the Time being, and he and they is and are hereby authorized and empowered, by and with the Consent of the Inhabitants of the said Town and Borough in Vestry assembled, in pursuance of a Notice to be published in the usual Manner, at least Ten Days before the Day of holding such Meeting, and fully stating and setting forth in such Notice the Purport and Intent of such Meeting, to contract and agree with the said Company of Proprietors, for any Number of Years, not exceeding Ten Years, for lighting with Gas the Streets, Squares, Market-places, Ways, Lanes, and Roads in the said Town and Borough of *Wigan*, with such Quantity of Gas Lights, for such Number of Lamps, with such Sorts of Burners, of such Dimensions, Constructions, and Qualities, to be set up in such Situations, and to continue burning at such Times and for such Number of Hours, and under such Regulations, as the said Surveyors for the Time being of the said Highways, by and with the Consent of the Inhabitants, at such Meeting as aforesaid, shall from Time to Time direct, upon the said Company receiving for every such public Lamp so required,

required, some yearly Price or Sum to be mutually arranged and contracted for between the said Company and such Surveyors, by and with the Consent of the Inhabitants of the said Town and Borough in Vestry assembled as aforesaid.

Gas to be supplied cheaper than Oil Light.

L. Provided always, and be it further enacted, That in case the said Company shall at any Time hereafter contract with any Person or Persons, Body or Bodies Politic or Corporate, for lighting any of the public Lamps in any of the public Streets, Roads, Squares, or Market-places, or other public Places within the said Town and Borough, the said Company shall and they are hereby directed and required to supply such public Lamps with Gas of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil Lamps; and whenever the said Company shall fail so to do, the Power and Authority hereby given to the said Company further to break up the Soil or Pavement of any such public Street, Road, Square or Market-place, or other public Place in the said Town and Borough where such public Lamps shall be situated, shall from thenceforth during such Refusal cease and determine; and every Contract or Agreement which shall be entered into for lighting with Gas such public Lamps by the said Company, shall contain a Clause, providing that it shall be obligatory on the said Company, that such public Lamps shall at all Times be better and cheaper lighted by the said Company than could be done by Oil Lamps.

Service Pipes to be fully charged with Gas.

LI. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put down by the said Company for lighting the Streets, Lanes, Passages, and other public Places of the said Town and Borough, under any Contract or Agreement, shall be kept fully charged with Gas, and the Stop-cocks shall be so formed and turned, as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Recovery of Rent.

LII. And be it further enacted, That in case any Person or Persons who shall contract with the said Company, or agree to take, or shall use or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand, to pay the Sum or Sums then due for the same to the said Company, according to the Terms and Stipulations of the said Company, it shall be lawful for any Person or Persons, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said Borough of *Wigan*, to levy the said Sum or Sums of Money in respect whereof such Refusal or Neglect shall happen, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted.

No Pipes of Communication to be laid, &c. without the

LIII. Provided always, and be it further enacted, That no Person shall lay or cause to be laid, any Iron, Leaden or other Pipe to communicate with any Pipe belonging to the said Company, nor use any Burners of larger Dimensions or of superior Quality, nor more in Number, than he, she,

she, or they shall respectively contract or pay for, on pain of forfeiting and paying to the said Company the Sum of Fifty Pounds, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace of the said Borough of *Wigan*, and which Warrant such Justice or Justices is and are hereby required and empowered to grant, and the Surplus, after such Penalty or Forfeiture, Penalties or Forfeitures, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalty or Forfeiture, Penalties or Forfeitures, shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the House of Correction at *Kirkdale*, within the Hundred of *West Derby* and County aforesaid, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Penalty or Forfeiture, Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Consent of the Company.

LIV. And be it further enacted, That if any Person shall wilfully or maliciously remove, take away, destroy, damage, or injure any Pipe, Post, Plug, Lamp, or other Apparatus, Matter or Thing belonging to the said Company, or any Part thereof respectively, or shall wilfully or maliciously extinguish or put out any One or more of the public Lamps or Lights, or wilfully or maliciously waste any of the Inflammable Air or Gas supplied by the said Company, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, on the Oath or Affirmation of One credible Witness, before One or more Justice or Justices of the Peace for the said Borough of *Wigan*, shall forfeit and pay to the aforesaid Company any Sum not exceeding Five Pounds, and the Amount of the Damage to be ascertained by such Justice or Justices to be done, such Penalty and Damage, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand, to the Owner of such Goods and Chattels; or if it shall appear to the said Justice or Justices, either by Confession or otherwise, that the Offender or Offenders hath or have not any Goods or Chattels sufficient to levy such Forfeiture or Damage aforesaid, such Offender shall and may be committed to the said House of Correction in the said Hundred of *West Derby*, there to remain for any Time not exceeding Three Calendar Months, or until such Forfeiture, Damages, and Costs shall be paid or tendered to the Keeper of the Common Gaol or House of Correction, for the Use of the said Company.

Penalty on wilfully damaging Pipes, &c.

LV. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, destroy, throw down, damage, or injure any Lamp or Lamps, hung out, set up, or belonging to the said Company, or by any Person or Persons at his, her, or their private Expence, or any Pipe, Pedestal, Post, Plug, or other Apparatus, Matter or Thing belonging thereto, or to the said Company, and shall not upon Demand by the said Company, or their Clerk or Superintendent, or other Person or Persons authorized by them, make Satisfaction for the Damage done, then and in every such case it shall and may be lawful to and for any

Satisfaction for accidental Damage of Lamps, &c.

One or more Justice or Justices of the said Borough of *Wigan*, and he or they is and are hereby empowered and required, upon Complaint to him or them made, to summon before him or them the Party or Parties against whom the Complaint shall be preferred, and upon hearing the Allegations and Proofs on both Sides, or on Non-appearance of the Party or Parties so complained against, to proceed *ex parte*, and to award such Sum or Sums of Money by way of Satisfaction to the said Company, or to such other Person or Persons (as the Case may be and require), for such Damages or Excess, as such Justice or Justices shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums so awarded, within Five Days after Demand, it shall and may be lawful to and for such Justices, or any One of them, and he and they is and are hereby required, to cause the same to be raised and levied in such and the like manner as any Fine, Penalty, or Forfeiture is by this Act directed to be raised and levied.

Penalty for interrupting Company's Workmen.

LVI. And be it further enacted, That if any Person shall hinder or interrupt the Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works, or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure such Interruption or Hindrance to take place, and shall be thereof convicted before any Justice or Justices acting in and for the said Borough, either on Evidence or on Confession, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum to be adjudged by such Justice or Justices, not exceeding Forty Shillings; and such Sum so adjudged shall be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Penalty on Gas escaping.

LVII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set by the said Company, in pursuance of this Act, the said Company shall at their own Expence, immediately after receiving Notice by Parol or in Writing of any Escape of Gas, from any Person being an Inhabitant of the said Borough of *Wigan* who shall be aggrieved by any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not, within Twenty-four Hours next after such Notice being given of any such Escape of Gas, proceed to discover and prevent, and effectually stop the Gas from escaping, and wholly and satisfactorily to remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving such Notice, during which Time the said Company shall neglect to take the necessary Steps for preventing the Escape of such Gas as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, before some One or more Justice or Justices of the Peace for the said Borough, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions, and to be recovered and applied in manner herein-before directed touching other Penalties to be recovered from the said Company.

LVIII. And

For the Protection of Water Pipes.

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

For preventing Nuisances by the Works.

LIX. And be it further enacted, That when any Body or Bodies Politic or Corporate, Inhabitant Householder of the said Town and Borough of *Wigan*, or any other Person or Persons whatsoever, shall be aggrieved by any public or private Nuisance to be committed by the said Company, or any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or the Means which shall be employed by them in manufacturing the said Gas and using the same, or furnishing such Light as aforesaid, or from any other Cause whatever, and shall give Notice in Writing to the said Company of the Existence of any such public or private Nuisance, the said Company shall, at their own Expence, cause the most speedy and effectual Measures to be taken to remove and abate such public or private Nuisance from continuing; and in case the said Company shall not proceed within Three Days next after such Notice in Writing being given as aforesaid, of any such public or private Nuisance, to remove, and shall not abate the same, to the Satisfaction of Two Justices of the Peace for the said Borough, that then and in every such case the said Company shall forfeit and pay the Sum of Five Pounds for each and every Day during which such public or private Nuisance shall be permitted or suffered to exist, after the Expiration of Three Days from the Time

Time of receiving such Notice, which Penalty shall and may from Time to Time, on the Oath of One or more credible Witness or Witnesses, by Information to be laid and exhibited before One or more Justice or Justices of the Peace for the said Borough, be recoverable and recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of any such Justice or Justices as aforesaid, to be granted in like Manner, and subject to the like Provisions, and to go to and be paid as herein-before directed touching other Penalties to be recovered from the said Company.

The Company liable to be indicted.

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

Penalty on Washings draining into Rivers, Wells, &c.

LXI. Provided always, and be it further enacted, That if the said Company shall at any time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which may arise or be produced in the Prosecution of the said Works, or in the Progress of obtaining the said Gas, into any River, or into any running Stream or Brook, or into any Sewer, Drain, Passage, or Channel, by means whereof any such Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things as aforesaid, shall be drained, conducted, or conveyed into any River, Stream, or Brook, or into any Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, or Pond, or any Sewer, Drain, Passage, or Channel communicating therewith; or do or cause to be done any other Annoyance, Act, or Thing to the Water contained in any such Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, or Pond, whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and every such case the said Company shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Forfeiture or Penalty shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or elsewhere, by Action of Debt, Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed, one Moiety of which Penalty shall be paid to the Person or Persons who shall inform or sue for the same, and the other Moiety to the Person or Persons against whom any such Annoyance, Act, or Thing shall have been done or committed; provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time of such Annoyance, Act, or Thing shall have ceased and determined; provided also, that

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over and above and in addition to the said Penalty of Two hundred Pounds, and whether the same shall have been sued for and recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Stream, or Brook, or into any Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, or Pond, or any Sewer, Drain, Passage, or Channel communicating therewith; or in case any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whatsoever to the said Company, and the said Company shall not within Twenty-four Hours after such Notice shall have been given, proceed to stop, hinder, or prevent, and shall not, or shall not within Three Days after such Notice shall have been given, effectually stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such case the said Company shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied.

Recovery and Application of Penalties.

LXII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace for the said Borough of *Wigan*, in a summary Way, and who is hereby authorized and empowered to convict the Offender or Offenders, upon Information by the Oath of any Person or Persons, or on the Confession of the Party offending (which Oath such Justice is hereby authorized to administer); and that in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and one Moiety of the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) on Demand to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted), shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the said Town and Borough of *Wigan*, to be by them applied towards the Relief of the Poor of the said Town and Borough; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or

Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, (and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant or Warrants it shall appear that sufficient Distress cannot be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction in the said Hundred of *West Derby*, there to remain for any Time not exceeding Three Calendar Months.

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

Form of Conviction.

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

Informations to be lodged within Three Months.

LXIV. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any Penalty, Fine, or Forfeiture imposed by this Act, for any Offence or Offences against the same, or any Order or Bye Law made in pursuance thereof, herein-before made cognizable before a Justice or Justices of the Peace for the said Borough of *Wigan*, unless Information respecting such Offence or Offences shall have been lodged before such Justice or Justices within Three Calendar Months next after committing such Offence or Offences.

Power of Appeal.

LXV. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons whatsoever, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the said County Palatine of *Lancaster*, or any Adjournment thereof, the Person or Persons appealing having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the said Company (as the case may be), and forthwith after such No-

tice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General Quarter Sessions of the Peace or Adjournment thereof, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the same County, and if they see cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the Justices at such Sessions shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Compelling Attendance of Witnesses.

LXVI. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on Behalf of the Prosecutor, or on Behalf of the Person or Persons accused, and shall refuse or neglect (without a reasonable Excuse) to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs and Expences, or appearing shall refuse to be examined upon Oath, or in case of a Quaker or Quakers, on solemn Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer); and to give Evidence before such Justice or Justices of the Peace, then and in every such case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Distresses not unlawful for want of Form.

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

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

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

Directions as to Service of Notices,

LXIX. And be it further enacted, That in all Cases wherein it may be requisite to serve any Notice or Notices upon the said Company, or any

Writs, &c. on the Company.

any Writ or Writs, or other legal Proceedings, the Service of a Copy thereof upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or left at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any Member of the said Committee, or left at his last or usual Place of Abode, or upon any known Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Expences of the Act how to be paid.

LXX. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act, shall be paid and discharged by the said Committee of Management, out of the Monies already subscribed by virtue of this Act, in preference to all other Payments whatsoever.

Not to prejudice the Rights of the Corporation of the Borough, or of the Lord of the Manor.

LXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice or destroy, any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage or lawful Customs, belonging, due, or in anywise appertaining to the Mayor, Bailiffs and Burgesses of the said Borough of *Wigan*, or the Lord or Lords of the Manor, or reputed Manor of *Wigan* aforesaid, in any Capacity whatsoever; but all and every such Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage and Customs, may be exercised, demanded, exacted, received and enjoyed, in as full and ample manner, to all Intents and Purposes, as the same were enjoyed before the passing of this Act.

Public Act.

LXXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

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