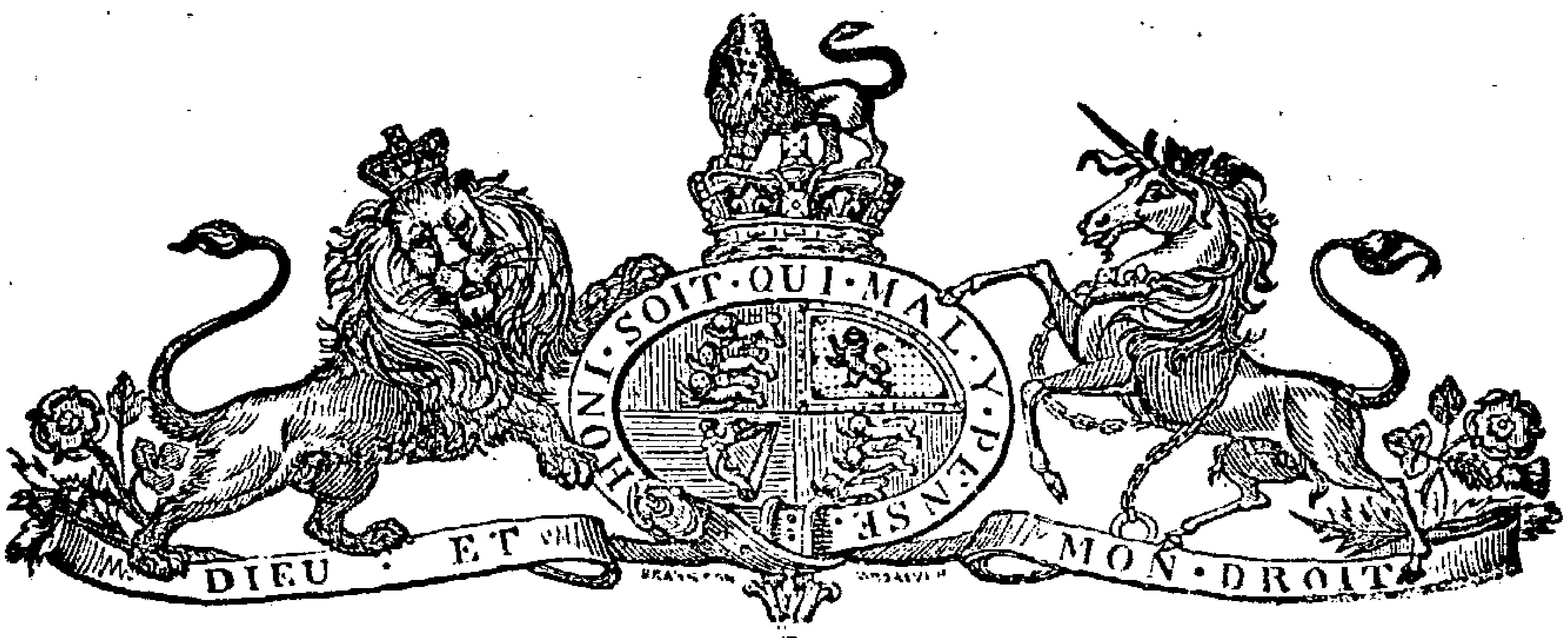


ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

****

Cap. lxxiv.

An Act for uniting the *York* Gas Light Company and the *York* Union Gas Light Company; and for more effectually lighting with Gas the City of *York*, and the Suburbs and Vicinity thereof, in the County of *York*. [19th *July* 1844.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for lighting with Gas the City of* York, *and the Suburbs* 4 G.4. c.74.
and Vicinity thereof, whereby the several Persons therein mentioned or referred to were incorporated by the Name of "The *York* Gas Light Company:" And whereas in pursuance of the said Act the said *York* Gas Light Company proceeded to carry the Powers of the same into execution, and established Works and afforded a large Supply of Gas within the said City of *York*, and the Suburbs and Vicinity thereof, and have laid out large Sums of Money in extending and improving such Works: And whereas the said City of *York*, and the Trade and Business carried on therein, have of late Years been very considerably extended, and the Use of Gas hath become very general in the said City and Suburbs, and to a greater Extent than was contemplated at the Time of the passing of the said Act: And whereas by a certain Indenture or Deed of Settlement, bearing Date on or about the Twenty-sixth Day of *January* in the Year of our Lord One thousand eight hundred and thirty-seven, and made or expressed to be made between

Charles Heneage Elsley of the City of *York*, Esquire, *Thomas Price* of the same City, Esquire, *George Hudson* of the same City, Esquire, *Robert Cattle* of the same City, Esquire, *James Chadwick* of the same City, Currier, *John Jackson* of the same City, Merchant, *John Hotham* of the same City, Common Brewer, *William Stephenson Clark* of the same City, Surgeon, *Thomas Watkinson* of the same City, Raff Merchant, *Thomas Pickersgill* of the same City, Architect, *John Swale* of the same City, Flax Spinner, *Richard Wood* of the same City, Raff Merchant, *Joseph Bradwell* of the same City, Ironfounder, *John Wood* of the same City, Gentleman, *John Phillips* of the same City, Cabinet Maker, and *Thomas Newmarch Fowler* of the same City, Glover, of the First Part; the said *Charles Heneage Elsley*, *Robert Cattle*, and *William Stephenson Clark* of the Second Part; and the several other Persons whose Names and Seals were or should be thereto subscribed and affixed, of the Third Part; after reciting that a Joint Stock Company had been then lately formed in the City of *York* aforesaid, under the Style or Firm of the *York* Union Gas Light Company, it was thereby declared and agreed that the said several Persons Parties thereto should constitute and form the said Company to be called "The *York* Union Gas Light Company," and that the said Company was so established for more effectually lighting with Gas the said City of *York*, and the Suburbs and Vicinity thereof, as therein mentioned and set forth: And whereas in pursuance of the said Indenture or Deed of Settlement the said *York* Union Gas Light Company proceeded to carry into execution the said Intentions of the said Parties thereto, and established Works and afforded a large Supply of Gas within the said City of *York*, and the Suburbs and Vicinity thereof, and have laid out large Sums of Money in extending and improving such Works: And whereas by a certain other Indenture or Supplemental Deed of Settlement, bearing Date on or about the Fifteenth Day of *April* in the Year of our Lord One thousand eight hundred and forty, and made or expressed to be made between the said *Charles Heneage Elsley*, *Robert Cattle*, *George Hudson*, *John Jackson*, *John Hotham*, *William Stephenson Clark*, *James Chadwick*, *Thomas Newmarch Fowler*, *Edward Elgin*, *John Phillips*, *Thomas Pickersgill*, *John Swale*, *Christopher Watson*, *John Wood*, *Richard Wood*, and *Henry Bellerby*, (the then Directors of the said *York* Union Gas Light Company,) of the First Part; the said *Charles Heneage Elsley*, *Robert Cattle*, and *William Stephenson Clark*, (the Trustees of the said Company,) of the Second Part; and the several other Persons whose Names and Seals were or should be thereto subscribed, of the Third Part; after reciting that at the annual General Meeting of the Shareholders of the said *York* Union Gas Light Company, duly convened and held in the said City of *York* as therein mentioned, certain Resolutions were unanimously adopted for making certain Alterations in the said Indenture or Deed of Settlement of the Twenty-sixth Day of *January* One thousand eight hundred and thirty-seven, and for repealing certain Clauses therein contained, and for adding or substituting certain other Clauses in lieu thereof, and for creating new Shares in the said Company, for carrying the Intention of the Parties into effect, it was thereby declared and agreed that the said several Persons Parties thereto should observe, perform, fulfil, and keep the Articles, Stipulations, and Clauses contained in the said Supplemental Deed of Settlement, being

Articles, Stipulations, and Clauses for carrying the said Resolutions into effect: And whereas it is expedient that the said *York* Union Gas Light Company should be united or amalgamated with the said *York* Gas Light Company: And whereas it would be of great Benefit to the Inhabitants of the several Places of *Acomb*, *Gate Fulford*, *Heworth*, *Heslington*, *Clifton*, *Dringhouses*, *Holgate*, and the Hamlet of *St. Marygate*, all near to the said City of *York*, if the same were lighted with Gas: And whereas it is expedient that the said recited Act should be repealed, and that the said recited Indentures or Deeds of Settlement should be cancelled and made void; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the passing of this Act the recited Act shall be repealed, and the said recited Indentures or Deeds of Settlement relating to the *York* Union Gas Light Company shall be cancelled and made void, and this Act shall thereafter be put into execution for the Purposes herein-after contained.

Recited Act repealed and Deeds of Settlement cancelled.

II. And be it enacted, That no Conveyances, Assurances, Demises, Grants, Mortgages, Bonds, Covenants, Agreements, Contracts, or Securities which have been made, executed, or entered into by any Person to or with the *York* Gas Light Company, or to or with the *York* Union Gas Light Company, nor any Actions, Suits, Prosecutions, or other Proceedings which have been commenced or are pending by or against each or either of the same Companies, nor any other Acts which may have been done under or by virtue of the recited Act or the recited Indentures or Deeds of Settlement, shall become invalidated, void, voidable, discharged, abated, discontinued, prejudiced, or affected by the Repeal of the recited Act, or the Voidance of the said Indentures or Deeds of Settlement, or either of them, but notwithstanding such Repeal and Voidance such Conveyances, Assurances, Demises, Grants, Mortgages, Bonds, Covenants, Agreements, Contracts, Securities, Actions, Suits, Prosecutions, Proceedings, and Acts shall remain in full Force and Effect in the same Manner as they would have done if this Act had not been passed, and that a due Supply of Gas for lighting the Streets and Places which shall have been lighted by the said Companies respectively before the passing of this Act shall be continued notwithstanding the passing of this Act until the Company hereby incorporated shall put this Act into operation; and until that Time the Works of the said Companies respectively shall be carried on, for the Purposes of supplying such Gas, in the same Manner as if the recited Act had not been repealed, nor the recited Indentures or Deeds of Settlement had not been cancelled and made void.

Notwithstanding such Repeal, Conveyances and other Acts to remain in force.

III. And be it enacted, That all Debts which immediately before the passing of this Act were due and owing by the *York* Gas Light Company or the *York* Union Gas Light Company shall be paid, with all Interest, if any, due or to accrue due thereon, by the said respective Companies, and the said respective Companies shall be liable to all the Debts and Engagements to which they respectively were liable at the Time of the passing of this Act.

Former Companies liable to all Debts, &c. at the passing of this Act.

IV. And

Officers under recited Act, &c. to continue until removed.

IV. And be it enacted, That all Officers and Persons, except the Treasurer, appointed under the recited Act and the recited Deeds of Settlement respectively, shall hold their respective Offices and Employments according to the Terms of their Appointments until Appointments of other Officers shall be made under this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and shall be liable to the same Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under this Act.

Officers under former Acts to account.

V. And be it enacted, That all Officers and Persons who after the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects, under or by virtue of any of the Provisions of the recited Act, or the Powers contained in the recited Indentures or Deeds of Settlement respectively, shall be liable to account for and to deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company herein-after incorporated, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act.

Lands belonging to former Companies to vest in the Company incorporated by this Act.

VI. And be it enacted, That from and immediately after the passing of this Act all Lands, Tenements, and Hereditaments, with the Appurtenances thereto, belonging or reputed to belong to the *York* Gas Light Company and the *York* Union Gas Light Company, or of which the said Companies respectively were seised, possessed, or entitled at Law or in Equity immediately before the passing of this Act, together with the several Buildings and Works erected thereon, and also the several Gasometers, Retorts, Condensers, Receivers, and other fixed Apparatus in and about such Buildings and Works, and then used by the said Companies respectively in the Manufacture of Gas, and also the several Gas Mains and Pipes then fixed and attached to the said Works respectively for the Conveyance of Gas through the said City and Suburbs and Vicinity thereof, and also the several Gas Posts, Pillars, Lamps, Service Pipes, Meters, Burners, and other Implements then fixed and in use by the said Companies respectively for the Supply of Gas throughout the said City and Suburbs and Vicinity thereof, shall be and are hereby declared to be vested in and shall belong to the Company herein-after incorporated for their absolute Benefit, subject to the Provisions herein-after contained, without Prejudice to the Mortgages, Securities, Judgments, Liens, and Charges which affect or may be made to affect the said Lands, Tenements, and Hereditaments respectively, and to the Rents, Covenants, and Agreements, if any, which the said Companies respectively are or if this Act had not been passed would have been liable to pay and perform in respect of the Premises respectively, or any of them.

Monies and Effects belonging to former Com-

VII. And be it enacted, That from and immediately after the passing of this Act all Goods, Chattels, Engines, Carriages, Waggons, live and dead Stock, Bonds, Deeds, Securities, Books, Writings, and other

other Personal Estate and Effects of which the *York* Gas Light Company and the *York* Union Gas Light Company respectively were possessed or entitled at Law or in Equity immediately before the passing of this Act shall be and are hereby declared to be vested in and shall belong to the Company hereby incorporated, for their absolute Benefit, subject to the Provisions herein-after contained, and without Prejudice to the Mortgages, Securities, Liens, and Charges which affect the Premises respectively, or any of them; and all Persons and Corporations who immediately before the passing of this Act owed any Monies to the *York* Gas Light Company or to the *York* Union Gas Light Company shall pay the same, together with all Interest, if any, due or to accrue due for the same, to the Company hereby incorporated, for the Use of the Company to which the said Monies were so due and owing at the Time of the passing of this Act; and the same hereby incorporated Company shall be entitled to the Benefit of all Contracts which have been entered into and are in force at the passing of this Act between the said Companies respectively and any Persons or Corporations, in the same Manner as the said Companies respectively would have been entitled to the Benefit of such Contracts in case this Act had not been passed; and Receipts in Writing, signed by the Treasurer of the Company hereby incorporated, for any Money, Effects, or Property which shall be paid or delivered to the same Company, or any Person on their Behalf, shall effectually discharge the Persons and Corporations paying or delivering the same from all Liability with respect thereto: Provided nevertheless, that the Stock on hand of Fittings, Pipes, and other Articles of Trade belonging to the *York* Gas Light Company and the *York* Union Gas Light Company respectively at the Time of the passing of this Act shall with all convenient Speed be fairly valued, and the Amount of such Valuation shall be paid by the Directors of the said Company hereby incorporated to the said *York* Gas Light Company and *York* Union Gas Light Company respectively, as and for the Purchase of such Fittings, Pipes, and other Articles of Trade.

Companies vested in the Company incorporated by this Act.

VIII. And be it enacted, That every Person who at the passing of this Act is possessed of any Share created by the recited Act or the recited Indentures or Deeds of Settlement respectively, and every Person who shall become possessed of any Share created by or by virtue of this Act, and their Executors and Administrators, Successors and Assigns respectively, shall from and after the passing of this Act be united into and form a Company for the Purposes herein-after mentioned, and shall be incorporated by the Name of "The *York* United Gas Light Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power for the Purposes of the Undertaking to hold Lands which shall become vested in them by virtue of this Act, and also to purchase or take on Lease and hold other Lands, subject to the Restrictions herein-after contained.

New Company incorporated.

IX. And be it enacted, That the Company shall be established for the Purpose of manufacturing Gas, and for providing Gasometers, and all Apparatus, Machinery, and Buildings necessary for that Purpose, and for lighting with Gas the several Streets, Roads, Lanes, public Passages, Churches, Chapels, Places, and Buildings, and also the several Shops, Taverns, private Houses, Warehouses, and other Buildings,

Objects and Purposes of the Company.

ings, within the Limits of this Act; and also for selling and disposing of Coke, and of every Product, Refuse, or Residuum arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, in such Manner as the Company may think proper; and for making and supplying the requisite Fittings, Pipes, Cocks, Meters, and other Articles employed or required in the Use or Consumption of Gas or its Products, as aforesaid.

Capital.

X. And be it enacted, That Seventy-five thousand Pounds shall be the Capital of the Company hereby incorporated.

Shares.

XI. And be it enacted, That the said Capital shall be divided into Fifteen thousand Shares, each of the Amount of Five Pounds; and such Fifteen thousand Shares shall be numbered in arithmetical Progression, beginning with Number One, and every Share shall be distinguished by its appropriate Number.

No Shareholder to hold less than Three Shares.

XII. And be it enacted, That no Shareholder shall hold less than Three Shares in the said Company.

Appropriation of 5,000 Shares.

XIII. And whereas the *York* Gas Light Company, in pursuance of the Powers to them given by the said recited Act, did raise and subscribe the Sum of Sixteen thousand Pounds for the Purposes of the said Undertaking, and have also expended Profits arising from their Undertaking amounting to Nine thousand Pounds and upwards (in addition to such Money as has been divided amongst the Proprietors of Shares in the same Undertaking) for the Purposes of the same Undertaking; be it therefore enacted, That Five thousand Shares created by this Act shall be appropriated and allotted unto and amongst the several Persons who are or shall be Shareholders in the *York* Gas Light Company at the Time of the passing of this Act, proportionably to the Share or Shares which they may severally possess in that Company, as far as such Appropriation and Allotment is practicable; and any surplus Share or Shares of the said Five thousand Shares which may remain after such Appropriation and Allotment has been made as aforesaid shall be sold or otherwise disposed of by the Directors of this Company, at their Discretion, for the Benefit of the said several Persons who are or shall be Shareholders in the said *York* Gas Light Company at the Time of the passing of this Act, proportionally to the Share or Shares which they may severally possess in that Company; and the Amount of Five Pounds shall be deemed to have been paid in respect of each of the said Five thousand Shares created by this Act, and so to be appropriated, allotted, sold, or disposed of as aforesaid; and such Five thousand Shares shall be deemed and taken as the full Value of and in compensation for the Lands and Tenements, Buildings, Gas Works, Mains, and other fixed Apparatus and Effects belonging to the Shareholders of the *York* Gas Light Company at the Time of the passing of this Act: Provided nevertheless, that each such Share created by this Act, and so appropriated or allotted as aforesaid, shall be and remain subject to such and the same Wills, Settlements, Charges, and Incumbrances, if any, as the Share or Shares created under the before-recited Act, in lieu or in respect whereof the same Share created by this Act is appropriated or allotted, was subject to immediately before the passing of this Act.

XIV. And

Appropriation of other 5,000 Shares.

XIV. And whereas the *York* Union Gas Light Company, in pursuance of the Powers to them given by the said recited Indentures or Deeds of Settlements, did raise and subscribe the Sum of Twenty-three thousand two hundred and thirty Pounds for the Purposes of the said Undertaking, and have also expended Profits arising from their Undertaking amounting to One thousand seven hundred and seventy Pounds and upwards (in addition to such Money as has been divided amongst the Proprietors of Shares in the same Undertaking) for the Purposes of the same Undertaking; be it therefore enacted, That Five thousand Shares created by this Act shall be appropriated and allotted unto and amongst the several Persons who are or shall be Shareholders in the *York* Union Gas Light Company at the Time of the passing of this Act, proportionably to the Share or Shares which they may severally possess in that Company, as far as such Appropriation and Allotment is practicable; and any surplus Share or Shares of the said Five thousand Shares which may remain after such Appropriation and Allotment has been made as aforesaid shall be sold or otherwise disposed of by the Directors of this Company, at their Discretion, for the Benefit of the said several Persons who are or shall be Shareholders in the said *York* Union Gas Light Company at the Time of the passing of this Act, proportionably to the Share or Shares which they may severally possess in that Company; and the Amount of Five Pounds shall be deemed to have been paid in respect of each of the said Five thousand Shares created by this Act, and so to be appropriated, allotted, sold, or disposed of as aforesaid; and such Five thousand Shares shall be deemed and taken as the full Value of and Compensation for the Lands and Tenements, Buildings, Gas Works, Mains, and other fixed Apparatus and Effects belonging to the Shareholders of the *York* Union Gas Light Company at the Time of the passing of this Act: Provided nevertheless, that each such Share created by this Act, and so appropriated or allotted as aforesaid, shall be and remain subject to such and the same Wills, Settlements, Charges, and Incumbrances, if any, as the Share or Shares created under the before-recited Indentures or Deeds of Settlement, in lieu or in respect whereof the same Share created by this Act is appropriated or allotted, was subject to immediately before the passing of this Act.

Shares to be Personal Estate.

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

Shareholders not disqualified when acting as Commissioners. 6 G. 4. c. 127.

XVI. And be it enacted, That no Person shall be disqualified from being and acting as a Commissioner under or by virtue of an Act made and passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for paving, lighting, watching, and improving the City of* York *and the Suburbs thereof, and the Liberty of* Saint Peter *within the said City, and for regulating the Police of the same respectively*, by reason of his being a Proprietor or Shareholder of the Company hereby incorporated.

Registry of Shareholders.

XVII. And be it enacted, That the Company shall keep a Book, to be called "The Register Book of Shareholders," and in such Book shall be fairly and distinctly entered, from Time to Time, the Names of the several

several Corporations, and the Names and Additions of the several Persons, being Shareholders of the Company, and the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions or Money paid, or deemed to have been paid, according to the Provisions herein-before contained; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the first Ordinary Meeting or at some subsequent Meeting of the Company.

Addresses of Shareholders.

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

Certificate of Shares.

XIX. And be it enacted, That on Demand of the Holder of any Share the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder; and such Certificate shall have the Common Seal of the Company affixed thereto, and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled, and the same may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding Two Shillings and Sixpence; provided that each Shareholder shall be entitled to have delivered to him, free of Expence, immediately after the passing of this Act, One such Certificate as aforesaid in respect of each Share held by him.

Certificates to be Evidence.

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

Certificates to be renewed when destroyed.

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

XXII. And

Transfer of Shares to be registered, &c.

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

Transfer not to be made until Calls paid.

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

Closing of Transfer Books.

XXIV. And be it enacted, That the Directors may close the Register of Transfers for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

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

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

Proof of Transmission by Marriage, Will, &c.

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

Notices to joint Proprietors of Shares.

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

Receipts for Money payable to Minors, &c.

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

Company not bound to regard Trusts.

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

Power to make Calls.

XXX. And be it enacted, That from Time to Time the Company may make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as the Company shall think fit, not exceeding the Amount remaining to be called upon the said several Shares as herein-before mentioned, provided that Thirty Days Notice at least be given of each Call; and every Shareholder shall be liable to pay the Amount of the Calls so made in respect of the Shares held by him to the Persons and at the Times and Places from Time to Time appointed by the Company.

Interest on Calls unpaid.

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

XXXII. And

Enforcement of Calls by Action.

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

Declaration in Action for Calls.

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

Matter to be proved in Action for Calls.

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

Proof of Proprietorship.

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

Forfeiture of Shares for Nonpayment of Calls.

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

Notice of Forfeiture to be given before Declaration thereof.

XXXVII. And be it enacted, That before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at the usual or last Place of Abode of the Person appearing by the Register Book of Shareholders to be the Proprietor of such Shares; and if the Holder of any such Share be abroad, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give

give public Notice of such Intention in the *London Gazette*, and also in some Newspaper published in the City of *York*; and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

Forfeiture to be confirmed by a General Meeting.

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

Sale of forfeited Shares.

Evidence as to Forfeiture of Shares.

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

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

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

On Payment of Calls forfeited Shares to revert.

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

XLII. And

Extent of Liability of Shareholders.

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

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

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

Power to borrow Money.

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

Re-borrowing.

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

Evidence of Authority for borrowing.

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

Mortgages and Bonds.

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

Rights of Mortgagees.

XLVIII. And be it enacted, That, without Prejudice to the Securities of Creditors of the aforesaid Companies respectively who were such Creditors at the passing of this Act, or the Assigns or Representatives of such Creditors, the respective Mortgagees and Obligees shall be entitled one with another to their respective Proportions of the Rates, Rents, Sums, and Premises comprised in such Mortgage or Bond, according to the respective Sums thereby mentioned to be secured, and to be repaid the Sums advanced, with Interest, without any Preference one above another by reason of Priority of the Date of any such Mortgage or Bond, or of the Meeting at which the same was authorized, or on any other account whatsoever.

Application of Call, notwithstanding Mortgage.

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

Rights of Obligees.

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

Register of Mortgages and Bonds.

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

Mortgages under former Act, &c. to have priority.

LII. Provided always, and be it enacted, That all Mortgages already entered into under the Powers of the said recited Act, or the recited Indentures or Deeds of Settlement, or either of them, shall, during the Continuance thereof, have Priority over any Security by this Act authorized to be given.

Transfer of Mortgages and Bonds.

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

Entry of Transfers of Mortgages and Bonds

LIV. And be it enacted, That within One Month after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Twenty-one Days after the Arrival thereof in the United Kingdom

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

Payment of Interest on Loans.

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

Transfers of Interest to be stamped.

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

Repayment of Money borrowed at a Time fixed.

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

For enforcing Payment of Arrears:

Interest.

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

Principal and Interest.

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

Appointment of Receiver.

LX. And be it enacted, That every such Application for a Receiver, in the Cases aforesaid, shall be made to Two or more Justices of the County of the City of *York*; and on any such Application so made, and

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

Mortgagees not to vote.

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

Access to Account Books by Mortgagees.

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

Application of Capital.

LXIII. And be it enacted, That all the Money raised by the Company, whether by Loan or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or relating thereto, and, secondly, in carrying the Purposes of the Company into execution, without Prejudice to the Securities of Creditors of the aforesaid Companies respectively who were such Creditors at the passing of this Act, or the Assigns or Representatives of such Creditors respectively.

Power to convertLoan into Capital.

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

Ordinary Meetings to be held half-yearly.

LXV. And with respect to General Meetings of the Company, be it enacted, That the first General Meeting of the Shareholders of the Company shall be held within Six Weeks after the passing of this Act, and the future General Meetings shall be held in the Month of *February* and the Month of *August* in each Year; and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held in the City of *York*, or within the Limits of this Act.

LXVI. And

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

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

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

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

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

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

LXXII. And be it enacted, That at every Meeting of the Company the Chairman of the Directors, if present, shall take the Chair, or in his Absence some one of the Shareholders then present shall be elected to preside as Chairman. **Chairman at General Meetings.**

Adjourned Meetings.

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

Regulating Votes of Shareholders.

LXXIV. And be it enacted, That at all Meetings of the Company every Shareholder possessing any Number of Shares from One to Nine, both inclusive, shall have One Vote, and every Shareholder possessing any Number of Shares from Ten to Twenty-nine, both inclusive, shall have Two Votes, and every Shareholder possessing any Number of Shares from Thirty to Forty-nine, both inclusive, shall have Three Votes, and every Shareholder possessing Fifty Shares or upwards shall have Four Votes: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid up all the Calls then payable upon the Shares held by him; and upon any Difference of Opinion any Proprietor present may require the Votes at any General or Special General Meeting of the said Company to be taken by Ballot, but no Ballot shall be kept open for more than Two Hours.

Manner of voting.

LXXV. And be it enacted, That such Votes may be given either personally or by Proxies, being Shareholders, authorized by Writing according to the Form in the Schedule (G.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation, then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote, not only as a Principal or Proxy, but to have a casting Vote if there be an Equality of Votes.

Regulations as to Proxies.

LXXVI. And be it enacted, That no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Secretary of the Company Three Days before the holding of the Meeting at which such Proxy is to be used; and that no Person shall at any One Meeting represent as Proxy more than Three Shareholders.

Votes of joint Shareholders.

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

Votes of Lunatics and Minors, &c.

LXXVIII. And be it enacted, That if any Shareholder be a Lunatic or Idiot, such Lunatic or Idiot may vote by his Committee, and if any Shareholder be a Minor, he may vote by his Guardian, or some one of his Guardians duly authorized so to act by the other or others of such Guardians.

LXXIX. And

Appointment of Directors.

LXXIX. And be it enacted, That Sir *William Stephenson Clark* Knight, *John Prest*, *James Chadwick*, *Joshua Oldfield*, *John Hotham*, *George Dodsworth*, *John Jackson*, *Richard Burdekin*, *John Wood*, *Edward Day*, *George Steward*, and *James Grayston* shall be Directors for managing the Affairs and Business of the said Company until others shall be chosen in their Stead, as herein-after mentioned.

Remuneration.

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

Election of future Directors.

LXXXI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the Ordinary Meeting to be held in the Month of *August* in the Year One thousand eight hundred and forty-five; and at such Meeting Twelve Proprietors of Shares shall, in manner herein directed, be elected and appointed Directors for managing the Affairs of the Company, who shall continue in their respective Offices for the Space of One Year, to be computed from the Day of Election, and until others shall be duly elected, any Directors appointed by this Act being eligible as Members of such new Body; and at every Ordinary Meeting to be held in *August* in every Year thereafter the Shareholders present shall elect Persons to supply the Places of the Directors whose Year of Office shall have expired; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until the Ordinary Meeting to be held in the Month of *August* in the succeeding Year, or until others are elected in their Stead; provided that if a sufficient Number of Shareholders be not present at any Meeting at which Directors are to be elected within One Hour from the Time appointed for the Meeting no Election of Directors shall then take place, but the existing Directors shall remain in Office and retain their Powers until the first Ordinary General Meeting of the following Year.

Qualification and Disqualification of Directors.

LXXXII. And be it enacted, That no Person shall be capable of being a Director unless he be a Shareholder possessed of Twenty Shares of Five Pounds each; and that no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and that no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director; provided that any Salary which shall or may be allowed by the Company to any Director under this Act shall not disqualify such Director from being or acting as such.

Cases in which Office of Director may become vacant.

LXXXIII. And be it enacted, That if any of the Directors, at any Time subsequently to his Election, accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Works to be done for the Company, or if such Director at any Time cease to be a Holder of Twenty Shares of Five Pounds each in the Company, then

then in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth the Person in respect of whom the Office of Director shall so become vacant shall cease from voting or acting as a Director.

Occasional Vacancies in the Office of Director to be supplied by remaining Directors.

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

Powers of Company to be exercised by the Directors.

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

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

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

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

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

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

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

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

Powers of Company not to be exercised by the Directors.

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

LXXXVII. And

Meetings of Directors.

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

Permanent Chairman of Directors.

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

Occasional Chairman of Directors.

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

Committee of Directors; Powers of Committee.

XC. And be it enacted, That the Directors may appoint One or more Committees, consisting of such Number of Directors as they think fit, and may grant to any such Committee Power on behalf of the Company to do any Acts relating to the Works or the Affairs of the Company which the Directors shall from Time to Time think proper to intrust to such Committee, except to make Calls for Money upon the Shareholders.

Meetings of Committee.

XCI. And be it enacted, That such Committees may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; and no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there shall be present Two of its Members; and at all Meetings of the Committees One of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by a Majority of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his own Vote as a Member of the Committee.

Contracts by Committee or Directors.

XCII. And be it enacted, That the Power which may be granted to any such Committee to make Contracts, as well as the Power of the Directors to make Contracts on behalf of the Company, may lawfully be exercised as follows; (that is to say,)

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

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

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

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

Contracts for Works.

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

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

XCIV. And be it enacted, That the Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made and all Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the Company and of the Directors, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges,

Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders of Proceedings being Shareholders or Directors respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of any of the Shareholders.

Informalities in Appointment of Directors not to invalidate Proceedings.

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

Indemnity of Directors.

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

Appointment of Auditor.

XCVII. And be it enacted, That the Recorder for the Time being of the City of *York* shall annually appoint an Auditor for the Purpose of auditing the said Accounts of the Company; and in case the Office of such Auditor shall, before such Accounts have been audited by him, be vacant by Death, or from any other Cause, the said Recorder shall from Time to Time appoint an Auditor to supply such Vacancy.

Duty of Auditor.

XCVIII. And be it enacted, That it shall be the Duty of such Auditor annually to audit the said Accounts of the Company, and to receive from the Directors the Balance Sheet required to be presented to the Shareholders, and to examine the same; and such Report or Confirmation shall be read, together with the Report of the Directors, at the Ordinary Meeting.

Powers of Auditor.

XCIX. And be it enacted, That for the above Purposes such Auditor may examine the Accounts of the Company at any Time during Fourteen Days previous to each Ordinary Meeting, and may either make a Special Report on the said Accounts, or simply confirm the

the same; and such Report or Confirmation shall be read, together with the Report of the Directors, at the Ordinary Meeting.

Delivery of Balance Sheet to Auditor.

C. And be it enacted, That the Directors shall deliver to such Auditor the said Balance Sheet Fourteen Days at the least before the ensuing Ordinary Meeting at which the same is required to be produced to the Shareholders.

Remuneration of Auditor.

CI. And be it enacted, That the Remuneration of such Auditor for each such annual Audit shall not exceed the Rate of Two Guineas *per* Day, nor the Sum of Four Guineas in the whole, and the same shall be paid to him by the Company.

Company to appoint a Clerk and Treasurer.

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

Suspension of Clerk or Treasurer.

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

Separation of Offices of Clerk and Treasurer.

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

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

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

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

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

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

Security to be taken.

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

Officers to account on demand.

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

Summary Remedy against Parties failing to account.

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

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

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

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

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

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power: Provided always, that if any of such Directors shall make Oath that he has good Reason to believe and does believe that it is the Intention of such Officer to abscond, and shall state his Reasons for such Belief, the Justice before whom Complaint is made, instead of issuing a Summons as herein-before directed, may issue his Warrant for the apprehending and bringing such Officer before such Two or more Justices as aforesaid; but no Person directed to execute such Warrant shall keep such Officer in Custody longer than Twenty-four Hours without bringing him before Two Justices to answer the Charge as herein-before directed.

Sureties not to be discharged.

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

Accounts to be kept.

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

Books to be balanced.

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

Inspection of Accounts by Shareholders.

CXI. And be it enacted, That the Books so balanced, together with such Balance Sheet as aforesaid, shall, for Fourteen Days previous to each

each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not be entitled at any Time, except during the aforesaid Period before and after each Ordinary Meeting, to demand the Use or Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors.

Shareholders at stated Times.

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

Balance Sheet to be produced.

CXIII. And be it enacted, That a Book-keeper shall be appointed by the Directors, and such Book-keeper shall enter the Accounts aforesaid in Books to be provided for the Purpose; and every such Book-keeper shall permit any Shareholder or any Loan Creditor to inspect such Books at any reasonable Time during One Fortnight before and One Month after every Ordinary Meeting, and if he fail to permit any such Shareholder or Loan Creditor to inspect such Books, or take Copies or Extracts therefrom, during the Periods aforesaid, he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Book-keeper to allow Inspection.

CXIV. And be it enacted, That at any Time during the first Fourteen Days in the Months of *March* and *September* in each Year it shall be lawful for the Overseers of the Poor of the several Parishes through which the Mains and Pipes of the Company shall pass to inspect such Accounts; and if the Company fail to keep such Accounts, or to permit such Inspection thereof, they shall forfeit to each Overseer who shall demand the said Accounts, or who shall be refused the Inspection of such Accounts or either of them, for every such Failure to keep such Accounts Twenty Pounds, and for every Day during which the Refusal to permit such Inspection may continue the Sum of Five Pounds *per* Day; and such Penalties shall be recoverable by Action of Debt or on the Case in any of the Superior Courts, and shall be applied for the Benefit of the Poor of the Parish within which such Failure may occur.

Power to Overseers of Poor to inspect Accounts.

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

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

CXVI.

Declaration of Dividends.

CXVI. And be it enacted, That previously to every Ordinary Meeting the Directors shall cause a Scheme to be prepared, showing the Profits of the Company, if any, for the last preceding Half Year, and apportioning the same among the Shareholders according to the Shares held by them respectively, providing for the paying Dividends not exceeding the Rate of Ten Pounds *per Centum per Annum* on each of the Shares given in lieu of the Shares existing at the Time of the passing of this Act, and not exceeding the Rate of Ten Pounds *per Centum per Annum* on the Amount paid up in respect of the new or additional Shares created by virtue of this Act, unless a larger Dividend shall at any Time be necessary to make up the Deficiency of any previous Dividend, when such previous Dividend shall have fallen short of Ten Pounds *per Centum per Annum* upon each of such Shares given in lieu of the said existing Shares, and of Ten Pounds *per Centum per Annum* upon Stock subscribed under the Authority of this Act, and paid up for the Purpose of the said Undertaking; and the Directors shall exhibit such Scheme at such Ordinary Meeting, and at such Meeting a Dividend may be declared according to such Scheme.

Dividend not to reduce Capital.

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

Dividend not to be paid unless all Calls paid.

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

Funds for Contingencies.

CXIX. And be it enacted, That if the clear Profits of the said Undertaking, after Payment of all Costs, Charges, and Expences, shall in any Year amount to a larger Sum than shall be sufficient to make Distribution amongst the Proprietors of the Company of the Dividends hereby authorized to be paid in respect of such Share in the said Undertaking, the Excess beyond the Sum which may be necessary for the Purposes aforesaid shall from Time to Time be invested in Government or other Securities, and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest, until the Fund so formed shall amount to the Sum of Five thousand Pounds, which Fund shall form a contingent or reserved Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits of the Company, or to meet any extraordinary Claim or Demand which may at any Time arise against the Company; and when such Fund shall, by Accumulation or otherwise, amount to the Sum of Five thousand Pounds, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the said Undertaking, until the said contingent or reserved Fund shall have been applied and exhausted, according to the Provisions of this Act, in which Case the same may be again raised and applied, in the same Manner as herein-before directed, and so *toties quoties* as often as Occasion shall require, for the Purposes herein-before mentioned.

CXX. And

Providing for Surplus when amounting to a certain Sum.

CXX. And be it enacted, That when and so soon as such Fund shall, by Accumulation or otherwise, amount to the Sum of Five thousand Pounds, an Account of the said contingent Fund, and of the Receipts, Expenditure, and Profits of the Company, shall be laid before the Justices assembled at the Quarter Sessions of the Peace for the County of the City of *York*, and be filed with the Clerk of the Peace of the said County; and the Company shall also, if required by the Justices, or by the Accountant or other Person to be appointed as hereinafter mentioned, produce their Books of Account, and other Books, Bills, Receipts, Vouchers, and Papers relating to the said Undertaking.

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

CXXI. And be it enacted, That such Justices may nominate and appoint some Accountant or other competent Person, not being a Proprietor in any Gas Company, at the Expence of the said Company (the Amount of such Expence to be ascertained and decided by such Justices), to examine and ascertain the actual State and Condition of the Concerns of the Company, and to make Report thereof to the said Justices; and the said Justices may examine any Witnesses upon Oath touching the Truth of the said Accounts, and the Matters therein referred to; and if it shall thereupon appear to such Justices that the Profits of the Company for the preceding Year shall have exceeded the Sum sufficient to make Distribution amongst the several Proprietors of Shares of the Dividends by this Act authorized to be paid in respect of such Share in the said Undertaking, after providing such contingent Fund as aforesaid, the Company shall make such a rateable Reduction in the Rents and Prices of Gas to be furnished by the Company for the then current Year as in the Judgment of the said Justices shall be proper, but so as such Rents or Prices when reduced shall ensure to the Company a Profit as near as may be to the Amount herein-before authorized to be paid in respect of each Share for the then current Year; and when, by the Expenditure and Payments of the Company, such contingent Fund shall have been reduced below the said Sum of Five thousand Pounds, then the Price of Gas may, if necessary, be again raised, and so from Time to Time as often as such Event shall happen.

Penalty for omitting to supply Account of Receipt and Expenditure.

CXXII. And be it enacted, That if the Company shall refuse or wilfully neglect to produce to the said Justices, or to the said Accountant or other Person as aforesaid, the Books of Account and other Books, Bills, Receipts, Vouchers, and Papers herein-before mentioned, for the Space of Seven Days after being required so to do by the said Justices, or by such Accountant or other Person as aforesaid, the said Company shall forfeit and pay the Sum of Ten Pounds for every Day such Refusal or wilful Neglect shall continue after the Expiration of the said Seven Days; such respective Penalties to be received by any Person who may sue for the same, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Superior Courts.

Company may resort tocontingent Fund in case divisible Profits are

CXXIII. And be it enacted, That if in every Year after the passing of this Act the Profits of the said Undertaking divisible among the Proprietors thereof shall not amount to the respective Sums herein-before authorized to be divided amongst the several Proprietors of Shares in the said Undertaking, such a Sum of Money may be taken from the

less than limited Amounts.

the contingent Fund as with the actual divisible Profits of such Year will enable the Company to make such respective Dividends.

Power to make Bye Laws.

CXXIV. And be it enacted, That the said Company shall have full Power and Authority, from Time to Time, at the first Meeting to be held after the passing of this Act, or at any of their Ordinary Meetings as aforesaid, to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Undertaking, and for regulating the Proceedings of the Directors, and for the regulating of all Officers, Workmen, and Servants to be employed in and about the Affairs and Business of the Company, and for the Superintendence 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 to impose and inflict such reasonable Fines and Forfeitures upon all such Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Company, at any such Meeting as aforesaid, shall seem meet and expedient; and all Rules, Orders, and Bye Laws so made as aforesaid (being reduced into Writing, and the Common Seal of the Company thereto affixed,) shall be binding upon all such Persons, and shall be sufficient in any Court of Law or Equity to justify all such Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the express Directions or Provisions of this Act; provided also, that Copies thereof shall be fixed and continued in the Office of the Clerk or Clerks; and all such Rules, Orders, and Bye Laws shall be subject to Appeal in manner by this Act directed.

Fines for Breach of such Bye Laws.

CXXV. And be it enacted, That the Company may impose such reasonable Fines and Forfeitures upon all Persons, being Officers or Servants of the Company, offending against such private Bye Laws, as the Company think fit, not exceeding Five Pounds for any One Offence; and such Fines and Forfeitures may be recovered in the Manner herein-after provided.

Evidence of Bye Laws.

CXXVI. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such last-mentioned Bye Laws in all Cases of Prosecution under the same.

Bye Laws to be so framed as that Penalties may be mitigated.

CXXVII. And be it enacted, That the said Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Justice shall think fit.

Publication of such Bye Laws.

CXXVIII. And be it enacted, That the Substance of such last-mentioned Bye Laws, when confirmed or allowed according to the Provisions of any Act in force regulating the Allowance or Confirmation of the same, shall be painted on Boards, or printed on Paper and pasted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of every Office belonging to the said Company, according

according to the Nature or Subject Matter of such Bye Laws respectively, and so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Boards shall from Time to Time be renewed as often as the Bye Laws thereon, or any Part thereof, shall be obliterated or destroyed; and no Penalty imposed by any such Bye Law shall be recoverable unless the same shall have been published or kept published in manner aforesaid.

Such Bye Laws to be binding on all Parties.

CXXIX. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same; and with respect to Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a printed Paper or painted Board containing a Copy of such Bye Laws was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such Paper or Board was replaced as soon as conveniently might be.

Arbitrators to be appointed within Fourteen Days.

CXXX. And for the Purpose of providing as to the Determination of any Dispute authorized or directed by this Act to be settled by Arbitration, be it enacted, That within Fourteen Days after any such Dispute shall have arisen each Party shall in Writing nominate and appoint an Arbitrator to whom such Dispute shall be referred; and after such Appointments shall have been made neither Party shall have Power to revoke any such Appointment without the Consent of the other; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing shall have been made from the other Party to appoint an Arbitrator, either Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties; and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

CXXXI. And be it enacted, That if before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable or refuse or neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte;* and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death, Refusal, or Disability as aforesaid.

Appointment of Umpire.

CXXXII. And be it enacted, That the first Act of such Two Arbitrators shall be to nominate and appoint an Umpire, whose Decision in all Cases where the Arbitrators cannot agree on the Matters referred to them shall be final.

Arbitrator may call for Books, &c.

CXXXIII. And be it enacted, That such Arbitrators or their Umpire may call for the Production of any Documents in the Possession

sion or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Service of Notice upon Company.

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

Service by Company on Shareholders.

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

Notices by Advertisement.

CXXXVI. And be it enacted, That all Notices required to be given by Advertisement shall be advertised in some One Newspaper published or circulated in the City of *York*.

Authentication of Notices.

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

Releases to Witnesses.

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

Proof of Debts in Bankruptcy.

CXXXIX. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company, and act in their Behalf in all respects as if such

such Claim or Demand had been the Claim or Demand of such Clerk or Treasurer, and not of the Company.

Tender of Amends.

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

Power to purchase Lands.

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

Parties under Disability enabled to sell and convey.

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

Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be a gross Sum.

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

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

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

Form of Conveyance.

CXLV. And be it enacted, That all Conveyances of Land so to be purchased as aforesaid may be according to the Form in Schedule (E.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed to the Company, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned, but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Company to attend the Reversion and Inheritance.

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

CXLVI. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account ther e*ex parte* "The *York* United Gas Light Company," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery,*

12 G. 1. c. 32.

Chancery, and to prevent the counterfeiting of East India *Bonds and Endorsements thereon, and likewise Endorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,) 12 G. 2. c. 24.

Application of Monies deposited.

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

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

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

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

Order for App

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

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

CXLVIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy,

Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

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

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

Party in possession deemed to be the Owner.

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

Costs in Cases of Monies deposited.

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

On Payment of Purchase Money Premises to vest

CLII. And be it enacted, That upon the Payment of the Money so agreed to be paid for the Purchase of such Lands, Buildings, Tenements, or Hereditaments by the Company to the Party or Person entitled

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

CLIII. And be it enacted, That the Company shall not purchase or take on Lease, in addition to Lands intended to become vested in them by virtue of this Act, more than Three Acres in all from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this Act; and if the Company purchase or take on Lease the said Quantity of Land from any Party under such legal Disability, and afterwards sell the whole or any Part of the Land so purchased or taken on Lease, it shall not be lawful for any Party, being under Disability, to sell or lease to the Company any other Lands in lieu of the Land so sold or disposed of by the Company. **Restraint on purchasing from incapacitated Persons.**

CLIV. And be it enacted, That it shall be lawful for the Company to sell the Lands which they at any Time or Times shall have acquired, or any Part thereof, in such Manner, and for such Considerations, and to such Persons as the Company may think fit, and again to purchase other Lands for the Purposes of this Act, and afterwards sell the same, and so from Time to Time; but the total Quantity of Land to be held at any one Time by the Company for the Purposes aforesaid shall not exceed Eight Acres. **Company may sell Lands, and purchase other Lands.**

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

CLVI. And be it enacted, That if the Company do not sell such superfluous Lands within the Period last aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners for the Time being of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same. **Lands not so sold to vest in Owners of adjoining Lands.**

CLVII. And be it enacted, That in every Conveyance of Lands to be made by the Company under this Act the Word "grant" shall operate as express Covenants by the Company, for themselves and their Successors, with their respective Grantees therein named, and the Successors, **Effect of Word "grant" in Conveyances.**

cessors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

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

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

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

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

Application of Monies arising from such Sales.

CLVIII. And be it enacted, That with respect to the Money which shall arise by Sale of any of the Lands which immediately before the passing of this Act were the Property of the aforesaid Companies respectively, the same shall be applied for the general Purposes of the Company.

Company empowered to construct Gas Works.

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

Company empowered to lay Pipes for lighting Buildings.

CLX. And be it enacted, That it shall be lawful for the Company to lay any Pipe, Branches, or other necessary Apparatus from any Main or Branch Pipes into, through, or against any Buildings for the Purpose of lighting the same, and to provide and set up any Apparatus necessary

necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Pipes not to be laid in Buildings without Consent.

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

Power to break up Streets.

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

Notice to be served before breaking up Streets.

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

Streets to be broken up under Superintendence.

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

Streets broken up to be reinstated without Delay.

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

a sufficient Light during every Night during which such Pavement or Soil shall be continued open or broken up.

Penalty for Delay in reinstating Streets.

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

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

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

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

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

In case of Neglect to superintend opening Streets,

CLXIX. And be it enacted, That if the Persons having such Control or Management as aforesaid shall neglect or refuse to superintend the opening of any such Street, Highway, Sewer or Drain, after having had Notice of the Company's Intention as aforesaid, or shall not propose

any

any Plan for breaking up or opening or reinstating the same, the Company may perform the Works specified in such Notice without the Superintendence of such Persons.

Company may perform same.

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

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

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

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

CLXXII. And be it enacted, That it shall be lawful for the Company or the Directors for the Time being from Time to Time to enter into or make any Contract or Agreement with any Person whomsoever for lighting or supplying with Gas any public or private Building, or for providing any Person with Pipes, Burners, Meters, Lamps, Glass, and Repairs thereof, in such Manner and upon such Terms as shall be agreed upon between the Company and such Persons, and also from Time to Time to enter into or make any Contract or Agreement with the Commissioners for lighting the said City for lighting or supplying the Streets within the said City of *York* or any of them with Gas, or for providing the same with Lamp Pillars and Posts, Lamp Brackets, Lamps, Pipes, Burners, Glass, and Repairs thereof, in such Manner and upon such Terms as shall be agreed upon between the Company and the said Commissioners.

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

CLXXIII. And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for paving, lighting, watching, and improving the City of* York *and the Suburbs thereof, and the Liberty of* Saint Peter *within the said City, and for regulating the Police of the same respectively*, the Commissioners for putting the said Act into execution are empowered from Time to Time to contract with the then present Gas Light Company established in the said City or Suburbs, or with any other Company or Body, or with any

If Commissioners and Company cannot agree as to Price, same to be settled by Arbitration. 6 G 4. c. 127.

any Person or Persons, for lighting the said City, Suburbs, and Liberty with Gas, Oil, or otherwise, for any Number of Years or other Time not exceeding Three successive Years, and upon such Terms and Conditions in all respects as the said Commissioners shall from Time to Time think proper; be it enacted, That if it shall happen that the said Commissioners and the said *York* United Gas Light Company cannot agree as to the Sum to be paid by such Commissioners for lighting the said City and Suburbs with Gas for any Number of Years or other Time not exceeding Three Years as aforesaid, then and in such Case it shall be referred to Two Persons, one to be chosen by the said Commissioners and the other by the said *York* United Gas Light Company, to decide and arbitrate what Sum shall be paid by the said Commissioners to the said *York* United Gas Light Company for such lighting as aforesaid; provided that before the Arbitrators chosen between the said Parties shall proceed to inquire into the Matters by them to be determined they shall name some indifferent Person to act as Umpire in case of their Neglect, Refusal, or Inability to make any Award or Determination within the Space of Two Calendar Months from the Day on which they shall be finally nominated; and provided further, that no Person shall be nominated to act as such Umpire who shall be in anywise connected with the City of *York* aforesaid, or shall be resident within Ten Miles of the same City; and it shall be lawful for the Persons so nominated as Arbitrators, or the Person by them named as Umpire, to proceed to hear Evidence, and decide on the Premises, without any other specific Authority whatever than such Nomination; and if one Party (that is to say, the said Commissioners on the one Part and the said *York* United Gas Light Company on the other Part,) shall neglect or refuse to nominate an Arbitrator within One Week after being required so to do by the other Party, then and in such Case the Arbitrator named by the other of the said Parties shall in all Things act and decide as Umpire between the said Parties; and the Decision of such Arbitrators or Umpire as aforesaid shall be final and conclusive on the Parties.

Authority to lend Meters on hire.

CLXXIV. And be it enacted, That it shall be lawful for the Company or the Directors for the Time being to lend any Meter for ascertaining the Quantity of Gas consumed or supplied, and any Fittings for the Consumption of Gas, for such Remuneration in Money as shall be agreed upon between the Company and any Person to whom the same may be lent, and such Remuneration shall be recoverable in the same Manner as Rents or Charges due to the Company; and such Meter or Meters and Fittings shall not be subject to the Rights of Distress of the Landlords for Rent of the Premises where the same may be used, nor to be seized under any Fieri facias, nor to be taken in Execution under any Process of Law, nor be subject to any Lien or Pledge known in the Law of *England*, any Law or Practice to the contrary notwithstanding.

Penalty for Injury or Alteration of Meters.

CLXXV. And be it enacted, That it shall be lawful for the Clerk, Manager, Engineer, or other Officer duly appointed for the Purpose by the Company at seasonable Times to enter and inspect every Building and Place lighted with Gas supplied by the Company; and if in any such Building or Place any Meter which may be used for ascertaining the

the Quantity of Gas consumed or supplied, or any Stopcock or Pipe connected therewith, shall be in any way fraudulently injured, destroyed, or altered, and if any Person or Company shall fraudulently make use of any such Meter, Stopcock, or Pipe connected therewith which shall be in any Manner injured, destroyed, or altered, he or they shall for every such Offence forfeit and pay to the Company a Penalty not exceeding Ten Pounds; and it shall be lawful for the Company at all seasonable Times to enter upon any Premises to view the State and Condition of any Meters, and to remove and exchange such Meters if the same shall be found to be defective.

Power to take away Pipes when Gas discon-

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

Recovery of Rents.

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

Further Powers for Recovery of Rent.

CLXXVIII. And be it enacted, That if any Person liable to pay any such Rent shall at any Time begin to remove his Goods or Furniture from the House or Premises in his Occupation, or to sell or dispose of or carry away his Goods or Furniture, without paying all Arrears

Arrears then due in respect of such House or Premises by virtue of this Act, then, in addition to the Remedies herein-before given, and either before or after resorting to the same; it shall be lawful for the Collector for the Time being to the Company to collect and levy such Rents, and all Arrears which shall be then due thereon, by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rents, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rents, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner of such Goods and Chattels respectively.

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

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

Penalty for wilfully damaging Pipes.

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

Satisfaction for accidental Damage to Lamps, &c.

CLXXXI. And be it enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any Meter, Pipe, Pedestal, or Lamp supplied, hung out, set up, or belonging to the Company or any Person, or keep the Lights burning for a longer Time than he shall contract to pay for, and shall not on Demand make Satisfaction to the Company or to such Person for the Damage done or the Excess of Gas obtained and used, then it shall be lawful for any Justice to summon before him or before any other Parties the Person against whom such Complaint shall be preferred; and upon hearing the Allegations and Proofs on both Sides, or on Nonappearance of the Person so complained against, such Justice may award such Sum of Money by way of Satisfaction

faction to the Company or to such Person, as the Case may require, for such Damages or Excess as such Justices shall think reasonable; and in case of neglect to pay any Sum so awarded within Three Days after Demand, it shall be lawful for any such Justice or any other Justice to cause the same to be raised and levied by Distress.

Penalty for interrupting the Company's Workmen.

CLXXXII. And be it enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Company, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing and performing any of the Works, or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption.

Power to convey Washings.

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

Penalty for corrupting Water within the Limits of this Act.

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

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

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

Daily Penalty during the Continuance of the Offence.

CLXXXVI. And be it enacted, That in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been recovered or not, the Company or Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds, to be recovered in the like Manner, for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act whereby such Water

as aforesaid shall be fouled or corrupted shall continue, after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on the Company or by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby, and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during the Escape of Gas after Notice.

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

Penalty on Gas Makers if Water contaminated.

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

Daily Penalty during the Continuance of the Contamination after Notice.

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

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

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

The Expences to abide the Result of the Examination.

CXCI. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to the Company, the Expences of the Digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Company; but if upon such Examination

Examination it shall appear that the Water has not been contaminated or affected by the Gas of the Company, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the Company any Injury which may be occasioned to the Works of the Company by such Examination.

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

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

Persons supplying Gas to be liable to Indictment for Nuisance.

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

Provision for Damages not otherwise provided for.

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

Justices may examine Parties and Witnesses.

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

Distress against the Company.

CXCVI. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justice or Justices to be paid by the Company for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Company

pany to the Party entitled to receive the same within Ten Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount may be recovered by Distress, and the Justices by whom such Sum of Money shall have been ordered to be paid, or any other Justice, on Application, shall issue his Warrant accordingly; and if sufficient Goods or Effects of the Company cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Company, and the Justices aforesaid or any other Justice, on Application, shall issue their or his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

Distress against the Treasurer.

Reimbursement of the Treasurer.

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

Publication of Penalties.

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

Defacing Boards used for such Publication.

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

Penalties to be summarily recovered before Two or more Justices.

CC. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before Two or more Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such

such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Justices shall think fit.

Penalties may be levied by Distress.

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

Imprisonment in default of Distress.

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

Application of Penalties.

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

Penalties to be sued for within Six Months.

CCIV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before Justices, unless the

the Complaint respecting such Offence shall have been made before such Justices within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

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

Transient Offenders.

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

Form of Conviction.

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

Informalities.

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

Distress, how to be levied.

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

Distress not unlawful for Want of Form.

CCX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on

on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

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

Court to make such Order as they shall think reasonable.

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

Saving of Rights.

CCXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to defeat, abridge, obstruct, or in any Manner interfere with the Powers and Authorities of the Commissioners acting under the Authority of the Act for lighting, watching, and otherwise improving the said City, or the Rights and Powers of the Trustees acting under the Authority of any Act for repairing and amending the several Turnpike Roads passing within the Limits of this Act, or the Rights and Powers of the Persons having for the Time being the Control or Management of any Street, Highway, Sewer or Drain, within the Limits of this Act, but such several Powers and Authorities may be exercised and enjoyed in the same full and ample Manner to all Intents and Purposes as if this Act had not been passed, save only so far as the same may be affected by the due and lawful Exercise of the Powers hereby vested in the Company.

Interpretation of Act.

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

Number:

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

Words

Gender: Words importing the Masculine Gender shall include Females:

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

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

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

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

Clerk: The Word "Clerk" shall include Clerks, and also the Word Secretary:

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

County: The Word "County" shall include any Riding or other like Division of a County:

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

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

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

Limits of the Act: The Words "Limits of this Act" shall be held to include the whole City of *York*, and the Suburbs and Vicinity thereof, and the several Places mentioned in the Preamble to this Act:

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

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

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

FORM OF CERTIFICATE OF SHARE.

The York United Gas Light Company.

Number .

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

SCHEDULE (B.)

FORM OF TRANSFER OF SHARES.

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

SCHEDULE (C.)

FORM OF MORTGAGE DEED.

The York United Gas Light Company.

Mortgage, Number .

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The York United Gas Light Company," in consideration of the Sum of Pounds paid to us by *A. B.* of

do assign unto the said *A. B.*, his Executors, Administrators, and Assigns, the Rents and Profits and all Sums of Money arising by virtue of the said Undertaking, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied; the Principal Sum to be repaid at the End of Years from the Date hereof [*in case any Period be agreed upon for that Purpose*]. Given under our Common Seal, this Day of in the Year of our Lord .

FORM OF BOND.

The York United Gas Light Company.

Bond, Number £

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

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

SCHEDULE (D.)

FORM OF TRANSFER OF MORTGAGE OR BOND.

I *A. B.* of in consideration of the Sum of Pounds paid to me by *G. H.* of do hereby transfer to the said *G. H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage] numbered made by "The York United Gas Light Company," to bearing Date the Day of

for

for securing the Sum of Pounds and Interest, [*or, if such Transfer be by Endorsement*, the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage*, "and in and to the Rents and Profits of the Property thereby assigned"]. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

---

SCHEDULE (E.)

FORM OF CONVEYANCE.

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

---

SCHEDULE (F.)

FORM OF CONVICTION.

to wit. } Be it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before us *C. D.* and *E. F.*, Two of Her Majesty's Justices of the Peace for the of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the York United Gas Light Company's Act, 1844. Given under our Hands and Seals, the Day and Year first above written.

SCHE-

SCHEDULE (G.)

FORM OF PROXY.

A. B. of One of the Proprietors of "The York United Gas Light Company," doth hereby appoint *C. D.* of to be the Proxy of the said *A. B.* in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the Day of next, in such Manner as he the said *C. D.* doth think proper. In witness whereof the said *A. B.* hath hereunto set his Hand [*or, if a Corporation, say* the Common Seal of the Corporation], the Day of One thousand eight hundred and

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1844.