



ANNO QUINQUAGESIMO OCTAVO

# GEORGI III. REGIS.

\*\*\*\*\*

*Cap. lxxxiii.*

An Act for lighting the Borough of *Kidderminster*  
in the County of *Worcester* with Gas.

[5th June 1818.]

**W**HEREAS the Borough of *Kidderminster*, in the County of *Worcester*, is a large and populous Place, and it would be of great Advantage to the Inhabitants thereof, and to the Public at large, if the Streets and other public Passages and Places therein were better lighted, the same being now very imperfectly and insufficiently lighted: And whereas inflammable Air, carburetted Hydrogen, or Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be procured from Coal and other Substances: And whereas the said inflammable Air, carburetted Hydrogen, or Coal Gas, being conveyed by means of Pipes, may be safely and beneficially used for lighting the several Streets, Highways, Squares, Market Places, and other Places within the said Town; and for lighting Shops, Inns, Taverns, private Houses, Manufactories, and other Buildings; and the Coke may be beneficially employed as Fuel in private Houses and Manufactories; and the said Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be used and applied in various other Ways with great Advantage: And whereas the several Persons herein-after named are willing and desirous at their own Costs and Charges to effect the several Purposes aforesaid; but such beneficial Purposes cannot be carried fully and completely into Execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

[Local.]

Company in-  
corporated.

Their Style  
and Powers.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Boycot, Rebecca Broom, Adam Yates Bird, Slade Baker, Joseph Boycot, Joseph Bowyer, John Broom, William Cartwright, James Cole, James Dobson, William Doughty, Edward Davis, George Hallen, Thomas Hallen, William Hopkins, William Nicholls, the Reverend Richard Francis Onslow, William Porter, John Roberts, Robert Shirley, Richard Watson, Johanna Watson, George Whieldon, John Woodward*, and all and every such other Person or Persons as from Time to Time shall become a Subscriber or Subscribers, or be duly admitted Members into their Company, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be one Body Politic and Corporate, by the Name of *The Kidderminster Gas Light and Coke Company*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm; and that the said Company of Proprietors shall be established for the Purpose of producing inflammable Air, carburetted Hydrogen, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and for lighting with Gas the said Borough of *Kidderminster*, and shall have full Power from Time to Time to enter into and make any Contracts, or agree with the Commissioners for putting into Execution an Act passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act for paving, cleansing, lighting, watching, and otherwise improving the Streets and other Public Passages and Places in Kidderminster, in the County of Worcester*, or with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, or Corporation or Corporations Aggregate or Sole, who may be willing and desirous of contracting or agreeing with the said Company of Proprietors (and who are hereby empowered to contract with the said Company), for the lighting of such Borough, or of any public Streets, Roads, Squares, or Market Places, or of any Manufactories or Places of public Exhibition, or Shops, Inns, Taverns, or other Buildings or private Houses, or any of them, within the said Borough; and to sell and dispose of such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and other Products as aforesaid.

Power to  
contract for  
the Purchase  
of Lands and  
Buildings.

II. And be it further enacted, That in order to enable the said Company to construct or make Gasometers and other necessary Works, and to erect any Manufactory or Manufactories, or other Buildings, for the Purposes of this Act, it shall and may be lawful to and for the said Company of Proprietors, or their Committee of Management, and they are hereby empowered, to treat, contract, and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said Borough (not exceeding Two Acres in the whole), with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail General or Special, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots; or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, who are or shall be seized, possessed of, or interested in their own  
Right,

Right, or with any Person or Persons whomsoever, who shall be willing to sell the same, or his, her, or their Right and Interest in the same, for the Uses and Purposes of this Act; and upon Payment of the Purchase Money for any such Lands, Tenements, or Hereditaments to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in Manner by this Act directed (as the Case may be), such Lands, Tenements, and Hereditaments may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title, Claim or Reversion, to such Lands, Tenements, or Hereditaments, and the same Lands, Tenements, and Hereditaments shall vest in the *Kidderminster Gas Light and Coke Company*; and it shall and may be lawful to and for the said Company of Proprietors to hold such Lands, Tenements, and Hereditaments, and any Term, Right, and Interest therein so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever; and in all Actions, Suits, Prosecutions, Indictments, Informations, or other Proceedings to be brought, commenced, or prosecuted by or against the said Company, it shall be sufficient to state generally that such Lands, Tenements, or Hereditaments are the Property of the *Kidderminster Gas Light and Coke Company*, without stating or being obliged to state the Names or Name of the whole or of any or either of the Members of the said Company.

III. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves; and also to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Company of Proprietors to be purchased for the Uses and Purposes of this Act, to treat, contract, and agree with the said Company for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Company of Proprietors for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances, which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, and without Inrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and

Bodies Politic, &c. empowered to sell.

and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons, is and are and shall be hereby indemnified for what he, she, and they shall do by virtue and in pursuance of this Act.

Application  
of Purchase  
Money when  
amounting  
to 200l. and  
upwards.

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

aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were then actually made.

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

Application of Purchase Money when less than 200l. and exceeding 20l.

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

Application of Purchase Money not exceeding 20l.

VII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, and Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been

In case of disputed Titles.

in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the Court that such Possession was a wrongful Possession, and that some Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expences of Purchases may be allowed by the Court.

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

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

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

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

Form of Conveyance.

‘ I [or we, as the Case may be] of \_\_\_\_\_ in consideration of  
 ‘ the Sum of \_\_\_\_\_ to me [or us] paid by the Company  
 ‘ of Proprietors established under or by virtue of an Act passed in the  
 ‘ Fifty-eighth Year of the Reign of King George the Third, intituled  
 ‘ *An Act [here insert the Title of this Act]*, do hereby grant and release  
 ‘ [or assign, as the Case may be] to the said Company of Proprietors and  
 ‘ their Successors, all [here describe the Premises to be conveyed] and all  
 ‘ my [or our] Right, Title, and Interest in and to the same and every  
 ‘ Part thereof, to hold to the said Company of Proprietors and their  
 ‘ Successors

Successors for ever, or [as the Case may be] during all the Remainder of my [or our] Term, Estate, and Interest in the said Premises. In witness whereof I [or, we] have hereunto set my Hand and Seal [or our Hands and Seals] this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

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

Resale of Lands not wanted.

XII. And be it further enacted, That the Capital or Joint Stock of the said Company, to be applied and used in establishing and carrying on the Undertaking and the Purposes aforesaid, shall be the Sum of Eight thousand Pounds Sterling.

Capital Stock 8,000l.

XIII. Provided always, and be it further enacted, That the said Company shall not be authorized to exercise any of the Powers granted by this Act, until such Time as the Sum of Five thousand five hundred Pounds shall have been subscribed, including any Sums already subscribed.

Company not to exercise Powers of Act till 5,500l. is subscribed.

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

Subscribers to share in the Stock in proportion to their Subscriptions.

XV. And be it further enacted, That the Lands and Hereditaments, Manufactories, Gasometers, Machinery, Apparatus, and Works of the said Company and their Successors, shall be liable and answerable for the just

Subscribers liable to the Debts of the Company in just

proportion to  
their Share in  
the Stock.

just Debts and Demands of the Creditors of the said Company; and that the several Persons composing the said Company shall severally and respectively stand responsible and answerable for all just Debts and Demands of the Creditors of the said Company to the full Amount of their several and respective Shares in the Capital of the said Joint Stock; but no Person shall be any further or otherwise liable, either personally or in his or her Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, for any Undertakings, Engagements, Contracts, or Agreements entered into by the said Company, or be subject or liable by reason of his or her being one of the Persons composing the said Company, or of any of the Acts of the said Company, to the Statutes respecting Bankrupts, or any of them: Provided always, that whenever Two or more Persons shall have jointly subscribed for or shall be jointly possessed of any one Share in the said Undertaking, such Person shall severally and respectively be answerable for the whole Amount of such Share, but not further or otherwise, as aforesaid.

Stock to be  
divided into  
Shares of 50l.  
each, and  
be Personal  
Estate.

XVI. And be it further enacted, That the said Sum of Eight thousand Pounds shall be divided into Shares of Fifty Pounds each, and that no Person or Persons shall be a Subscriber or Subscribers for a less Sum than Fifty Pounds, nor hold more than Fifteen Shares; and that all Shares in the said Undertaking, and in the Net Profits and Advantages thereof, shall be deemed Personal Estate and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

Power to  
raise a fur-  
ther Sum of  
Money if ne-  
cessary by  
Subscrip-  
tions.

XVII. And be it further enacted, That in case the aforesaid Sum of Eight thousand Pounds herein-before mentioned to have been subscribed shall be found insufficient for making, completing, and maintaining the said Undertaking hereby authorized to be made, and defraying all necessary Charges relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors and Subscribers to raise and contribute amongst themselves, in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting their Undertaking, not exceeding the Sum of Four thousand Pounds; and every Subscriber towards raising such further Sum of Money shall be a Proprietor in the said Undertaking, and shall have a like Vote for himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum he, she, or they shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for or raised had been originally Part of the said Sum of Eight thousand Pounds; any Thing herein contained to the contrary hereof in anywise notwithstanding.

To compel  
Payment of  
Subscrip-  
tions.

XVIII. And be it further enacted, That the several Persons who have subscribed for and towards the said Undertaking, or who shall at any Time hereafter have or hold any Share or Shares in the same, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed for, or such Parts or Portions thereof as shall from Time to Time be called for, pursuant to or by virtue of the Powers and Directions of this Act, at such Times and Places, to such Person or Persons; and



and in such Manner, as shall be ordered and directed by the Committee of Management herein-after mentioned; and in case any Person or Persons shall neglect or refuse to pay any such Money at such Times and in such Manner as shall be ordered and directed by the Committee of Management as aforesaid, it shall be lawful for the said Company to sue for and recover the same, together with lawful Interest for the same from such appointed Time of Payment, from such Person or Persons; or in Cases where Two or more Persons shall have jointly subscribed for or be jointly possessed of any one Share in the said Undertaking, then from all, any, or either of such Persons.

XIX. And be it further enacted, That the said Company, or the Committee of Management to be appointed by virtue of this Act, shall and they are hereby required to cause the Names and Designations of the several Persons who have subscribed for, or may at any Time hereafter be entitled to a Share or Shares in the said Undertaking, with the Number of such Share or Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by their Clerk; and after such Entry a Certificate shall be signed by the Chairman and Clerk, and delivered to every Proprietor upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, and such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Certificate shall not hinder or prevent the Owner from selling or disposing thereof.

Names of Proprietors to be entered, and Certificate of their Shares delivered to them.

XX. And whereas in case any original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become Insolvent or Bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk to the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to learn who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share or Shares, and to maintain any Action or Actions, Suit or other Proceeding against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein-after specified, an Affidavit shall be made and sworn to by Two credible Persons before a Master or Master Extraordinary of His Majesty's High Court of Chancery, or one of His Majesty's Justices of the Peace for the Borough of *Kidderminster*, or the County of *Worcester*, stating the Manner in which such Share or Shares have or hath passed to such other Person

For ascertaining the Proprietorship of Shares in certain Cases.

[Local.]



XXII. Provided always, and be it further enacted, That after a Call for Money shall be made by virtue of this Act, no Person or Persons shall sell or transfer any Share or Shares which he or they shall possess in the said Undertaking, after the Day appointed for the Payment of the said Call, until the Money so called for in respect of his, her, or their Share or Shares intended to be sold shall be paid; and that until such Money so called for shall be paid any such Sale or Transfer of any Share or Shares shall be void.

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

XXIII. And be it further enacted, That *William Boycot, John Broom, Adam Yates Bird, William Cartwright, Edward Davis, George Hallen, the Reverend Richard Francis Onslow Clerk, John Roberts, Richard Watson, and George Whieldon*, shall be and they are hereby constituted and appointed the Committee of Management for managing the Affairs of the said Company.

First Committee of Management.

XXIV. And be it further enacted, That the several Persons hereby nominated, constituted, and appointed the Committee of Management, shall continue in Office and be respectively Members of the said Committee for the Term of Two Years from the passing of this Act, and until others or another shall be appointed in their or any or either of their Stead in pursuance of this Act; and at the Expiration of the said Term, and also at the Expiration of every succeeding Year thereafter, a fresh Committee of Ten Members shall in Manner herein-after mentioned be elected and appointed out of the Proprietors of Shares in the said Undertaking, to be the Committee of Management for managing the Affairs of the said Company, who shall continue in their respective Offices for the Space of One Year, to be computed from the Day of Election, or until others or another shall be duly elected into their or any of their Places.

First Committee to serve Two Years, and subsequent Committees.

XXV. Provided always, and be it further enacted, That if any Person hereby nominated, or who shall be elected a Member of the said Committee of Management, shall be or become a Dealer, either directly or indirectly, in any one of the Articles to be provided or manufactured by the said Company, and shall offer to take and succeed in taking, or shall participate in any Manner in any Work to be done for the said Company, every such Person shall be disqualified to vote in Matters to be discussed and argued by the said Committee of Management; and that if any Person hereby nominated or to be appointed by virtue of this Act a Member of the said Committee shall at any Time cease to be a Proprietor of Five Shares in the said Undertaking, or shall refuse or neglect to attend any Five successive Meetings of the said Committee, every such Person shall be thereby disqualified from acting or voting at such Committee, and shall cease to be a Member thereof: Provided always, that in case it shall be proved to the Satisfaction of the said Committee that such Person shall have been prevented from attending such Five successive Meetings by Illness or Absence from Home, then and in such Case he shall not be disqualified from being a Member of the Committee by reason of such Absence.

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

XXVI. And be it further enacted, That the said Committee of Management shall or may hold their First Meeting on the Second *Tuesday* after the passing of this Act, at such Place within the said Borough of *Kidderminster*

Meetings of the Committee, and

Regulations  
for their Pro-  
ceedings.

*minster* as they shall think proper, and shall have full Power and Authority to adjourn such First Meeting, and again to meet and adjourn from Time to Time and from Place to Place as they shall think fit; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Management at any of their Meetings, shall be decided and determined by the Majority in Number of Members present (the Number present not being less than Three); and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman for the Time being, such Chairman shall have the decisive and casting Vote; and that if on the Day appointed for any Meeting of the said Committee Three Members qualified to vote shall not attend, that then and in such Case the Meeting shall be adjourned till the next Day, if not a *Sunday*, and if the next Day shall be a *Sunday*, then to the *Monday* following, by the Member or Members then present, or if none be present, by the Clerk of the said Company, or such other Person as shall attend in his Place; and that any Three or more Members of the Committee may at any Time when they shall think fit call a Meeting of the Committee by Notice in Writing, signed by such Three or more Members, to be sent by the Post or otherwise to the Residence or Address of every Member of such Committee.

Power of  
Committee.

XXVII. And be it further enacted, That the Committee of Management for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time and from Place to Place as aforesaid; and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Time and Place of holding General and Special Meetings, and to direct the Affairs and Business of the said Undertaking, as well in issuing, receiving, and laying out, and disposing of all Sums of Money to be issued or received, laid out or disposed of, for the Purposes of the same, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods, and Chattels for the Use of the said Undertaking, and entering into Contracts or Agreements for lighting of the said Town of *Kidderminster*, or any of such Streets, Market Places, Shops, Inns, Taverns, or Buildings as aforesaid, and in nominating, electing, appointing, placing, or displacing any Treasurer, Secretary, Clerk, Engineer, Agent, or Servant of the Company, with such Salaries, Gratuities, or other Recompence, as to the said Committee shall seem proper; and in ordering, directing, and employing the Works and Workmen; and in selling and disposing of all Articles produced as aforesaid; and in making, enforcing, and rescinding all Contracts and Bargains touching or in anywise concerning the same; subject to such Orders, Bye-Laws, Rules, and Regulations as shall at any Time be duly made by the said Company in Restraint, Control, or Regulation of the Powers and Authorities by this Act granted.

Same Person  
not to act as  
Clerk and  
Treasurer.

XXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this

this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXIX. Provided always, and be it further enacted, That the said Committee shall have full Power and Authority to make such Call or Calls for Money, from the several Proprietors of the said Undertaking, their Executors, Administrators, Successors, and Assigns, as such Committee of Management shall from Time to Time find wanting and necessary for the Purposes of the said Undertaking, so that no one such Call do exceed the Sum of Ten Pounds for or in respect of any one Share of Fifty Pounds, and so that no Call or Calls be made but at the Distance of Two Months at least from each other; and that the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer to the said Company for the Time being, at such Time and Place as shall be appointed by such Committee, of which Time and Place Twenty-one Days Notice at least shall be given, in such Manner as the said Committee of Management shall direct or appoint in that Behalf; and that if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money so to be called for, during the Space of Two Calendar Months next after the Time appointed for Payment thereof, then and in such Case it shall and may be lawful to and for the said Company, at some General or Special General Meeting to be held after such Neglect or Refusal, to declare all and every or any of the Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited; and from thenceforth the said Share or Shares so declared to be forfeited, and all the Profit and Benefit thereof, shall be vested in the said Company, their Successors and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Undertaking shall be forfeited or vested in and accrue to the said Company, until Notice shall have been published in *The London Gazette*, and some one Newspaper circulated in the County of *Worcester*, Twenty-one Days at least before the holding of such General or Special General Meeting, in which Notice shall be contained a Statement and Account of how much Money is due from such Person or Persons for such Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking, exclusive of the Interest thereon; and no such Share or Shares shall be forfeited to or vested in the said Company, if the Owner or Owners of such Share or Shares shall, before the Holding of such General or Special General Meeting, pay what shall be due thereon for such Call or Calls as aforesaid, and legal Interest for the same, and all the Expences attending the Application for and advertising of the same as aforesaid.

Committee to make Calls, and on Nonpayment Shares to be forfeited.

No Share to be forfeited until Notice published in *The London Gazette* and *Worcester Newspapers*.

XXX. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become forfeited to or vested in the said Company as aforesaid, then and in every such Case

Company empowered to sell Shares that shall be

[Local.]

come vested in them by Default of Owners not paying the Calls thereon.

If the Purchase Money for Shares be more than sufficient to pay Arrears, the Surplus to be paid to the Owner, and Remainder to revert to the former Owners.

it shall and may be lawful to and for the said Company or their Committee for the Time being, and they are hereby authorized and empowered, from Time to Time to sell or cause to be sold by public Auction or private Contract, and by Writing under the Common Seal of the Company to assign and transfer, such and so many of the Share or Shares of such Defaulter or Defaulters, as the said Company or their Committee shall from Time to Time find necessary and direct, to be sold unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns, and such Assignments and Transfers shall be good, valid, and effectual against the Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus arising from such Sale or Sales shall be paid to the Person or Persons to whom such Share or Shares shall have belonged, on Demand: Provided also, that the said Company of Proprietors or their Committee shall not by virtue of this Act sell or transfer or direct to be sold or transferred any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due by such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all and every the Call or Calls so made or to be made by virtue of the said recited Acts or any of them or of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company of Proprietors as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Executors, &c. indemnified in paying Calls.

XXXI. And be it further enacted, That if any Person or Persons, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall die before Payment shall have been made by him or her for the full Sum to be called for in respect thereof as herein-after mentioned, without having made any sufficient Provision by Will or otherwise how such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be answered, that then and in such Case the Executors or Administrators of such Proprietor, and the Trustee or Trustees, Guardian or Guardians of any Infant or other Persons entitled to the Estate and Effects of such Proprietor or Proprietors, shall be indemnified against such Infant and all other Persons whomsoever, for paying any Money which shall be called for as aforesaid, in respect of the Share or Shares of such deceased Proprietor.

Regulations as to General and Special Meetings and Adjournments.

XXXII. And be it further enacted, That the Affairs and Concerns of the said Company shall be conducted and managed under and subject to the several Rules, Regulations, and Restrictions herein-after contained; (that is to say), the Proprietors of Shares in the said Undertaking shall assemble together at the Guildhall in the said Borough of *Kidderminster*, before

before Eleven of the Clock in the Forenoon, within Fourteen Days next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed in the Execution of this Act, and shall and may adjourn to or shall assemble at such other Times and Places as they shall be duly convened to in Manner herein-after mentioned; and every such Assembly shall be stiled a General Meeting, and Two such Meetings shall be held in every Year, on the *Tuesday* after the Twenty-fourth Day of *June*, and the *Tuesday* after the Twenty-fifth Day of *December*, which shall be stiled Half-yearly General Meetings; and that Ten or more of the said Proprietors may at any Time, by Notice in Writing under their Hands, call a Special General Meeting, so as the Object for which such Meeting shall be called be expressed in such Notice, and so as such Notice be given Twenty-one Days at least before the Day of Meeting; and that every General Meeting may be adjourned from Time to Time and from Place to Place as shall be found expedient; and that at least Twenty-one Days previous Notice of every General Meeting, and Three Days previous Notice of the Day to which every General Meeting shall be adjourned, shall be given; and that at every such General Meeting and Special Meeting a Chairman shall be appointed, and all Questions shall be decided by a Majority of Votes of the Proprietors and Proxies present, and not declining to vote, according to the respective Number of Shares; (that is to say), for One Share and less than Five Shares, One Vote; and for Five Shares and less than Ten Shares, Two Votes; and for Ten Shares and upwards, Three Votes; nor shall any Person be entitled to vote at any General or Special Meeting of the said Company, or any Adjournment thereof, in respect of any Share or Shares which he or she may possess in the said Undertaking, unless such Person shall have fully paid and satisfied all Arrears of Money which shall or may become due in pursuance of any Call or Calls made or to be made by the said Committee of Management for or in respect of such Share or Shares; nor shall any Person vote at any of the Meetings of the said Company, upon any Question or Questions relating to the Concerns of the said Undertaking in which any Person or Persons shall be interested other than as a Subscriber or Subscribers, Proprietor or Proprietors, to or of the said Undertaking; and that upon any Difference of Opinion any Proprietor present may require the Votes at any General or Special Meeting of the said Company to be taken by Ballot, but no Ballot shall be kept open more than One Hour, and that the Chairman of every such Meeting shall be entitled to vote, and in case the Number of Votes, including the Chairman's Vote, shall be equal, he shall also have a casting Vote; and that the Orders and Proceedings of such General or Special Meeting shall be entered by the Clerk in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered and signed by the Chairman of each respective Meeting shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in all Courts and Places whatsoever, and by and before all Judges, Justices, and others; and that no Business shall be transacted at any Special General Meeting besides the Business for which it shall have been called, and no other Business shall be transacted at any adjourned Special General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place; and if at any Special or General Meeting a sufficient Number of Proprietors to act or to adjourn (Three Proprietors only being hereby declared sufficient for the Purpose of  
of

of Adjournment) shall not assemble and proceed to Business in one Hour from the Time appointed for such Meeting, or if that Number be not present when the Whole or any Part of the Business to be transacted shall be decided upon, the Meeting shall adjourn to the same Day in the following Week, or to some other Day to be appointed by the Committee of Management; or Three or more of them; and also that at the Half-yearly General Meeting to be held on the *Tuesday* after the Twenty-fourth Day of *June* in every Year (except the First Year after the passing of this Act), or at some Adjournment thereof, a new Committee of Ten of the Proprietors of Shares in the said Undertaking shall be elected in the Place of the former Committee, whose Office shall then have expired, nevertheless all or any of the Members of the said Committee elected in the preceding Year shall (if otherwise eligible) be again immediately re-eligible: Provided also, that all Notices herein-before directed to be given of any General or Special Meetings or Adjournments respectively, or to any of the said Proprietors upon any particular Occasion, and not herein-before otherwise provided for, shall be given to the said several Proprietors, or to such individual Proprietors respectively, by Letters from the Clerk of the said Company, sent by the Post to each and every of the said Proprietors entitled to vote at such Meetings respectively, or to the individual Proprietor entitled to such Notice, as the Case may be, and that such Notices shall be deemed and considered the same as personal Notice.

Proprietors  
may vote by  
Proxy.

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

Form of  
Proxy.

‘ I *A. B.* of \_\_\_\_\_ Proprietor of and in ‘ *The Kidder-*  
‘ *minster Gas Light and Coke Company,*’ do hereby nominate, constitute,  
‘ and appoint *C. D.* of \_\_\_\_\_ to be my Proxy, in my  
‘ Name and in my Absence to vote or give my Assent to or Dissent from  
‘ any Business, Matter, or Thing relating to the said Undertaking, that  
‘ shall be mentioned or proposed at any General or Special Meeting of the  
‘ said Company, in such Manner as he the said *C. D.* shall think proper,  
‘ according to his Opinion and Judgment, for the Benefit of the said  
‘ Undertaking, or any Thing relating thereto. In Witness whereof I  
‘ have hereunto set my Hand, the \_\_\_\_\_ Day of \_\_\_\_\_  
‘ One thousand eight hundred and \_\_\_\_\_

General  
Meetings to  
settle Ac-  
counts, Half-  
yearly Meet-  
ings to de-  
clare Divi-  
dends.

XXXIV. And be it further enacted, That any General Meeting or General Meetings specially called for the Purpose shall have full Power to call for and examine and settle the Accounts of the said Company; and that at every Half-yearly General Meeting, or some Adjournment thereof, a Half-yearly Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said Undertaking, unless such Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much for every Fifty Pounds upon all and every



every the Sum and Sums of Money paid to the said Company by the said Subscribers, their Executors, Administrators, Successors, or Assigns, as such Meeting or Meetings shall think fit to appoint and determine, provided that no Dividend shall be made whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor within Twelve Calendar Months next after the passing of this Act; nor shall any Dividend be paid in respect of any Share or Shares after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

XXXV. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any of their General Meetings as aforesaid, to make such Rules, Orders, and Bye-Laws as to them shall seem meet and proper, for the good Government of the said Undertaking, and for regulating the Proceedings of the said Committee of Management, and for the regulating of all Officers, Workmen, and Servants to be employed in and about the Affairs and Business of the said Company, and for the Superintendance and Management of the said Undertaking in all Respects whatsoever; and from Time to Time to alter or repeal such Rules, Orders, and Bye-Laws, or any of them, and to make others, and 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 a General Meeting 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 said Company thereto affixed), shall be binding upon all such Persons, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye-Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or 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, and all such Rules, Orders, and Bye-Laws shall be subject to Appeal in Manner by this Act directed.

General Meetings may make Bye-Laws.

XXXVI. And be it further enacted, That it shall be lawful for the said Company and their Successors, and they are hereby fully authorized and empowered, by their Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Machines, or other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, and to sink and lay Pipes, and to erect and fix them against any Walls, of such Construction and in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into Execution; and also to break up the Soil and Pavements of any Streets, Highways, Roads, Ways, Lanes, Passages, and other Places, or any private Grounds, or any Part of them or either of them, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Cyphons, Plugs, or Branches from such Pipes, in, under, across, and along such Places as aforesaid, and in such Manner as shall be necessary for the Purpose of

Power to break up the Soil and Pavements of Streets, &c. for laying Pipes and lighting Houses, &c.

[Local.]

21 U

carrying

carrying this Act into Execution, or supplying any such Light as aforesaid; and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, Cyphons, and Plugs or Branches; and also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Road, Highway, Lane, Passage, or other Place by the said Company by virtue of this Act, in, to, or through any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same or any public or private Lamp from any of such Mains or Pipes, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged in such Dwelling House or Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things as the said Company and their Successors shall from Time to Time think necessary and convenient for completing, amending, repairing, improving, supplying, and using the same: Provided nevertheless, that nothing herein contained shall authorize or empower the said Company to carry or lay any Pipe or Pipes, or to dig and sink Trenches and Drains, or to lay Mains, through any Dwelling House or Houses, Manufactory or private Buildings, or Grounds, without the previous Consent of the Owner and Occupier of every such Dwelling House or Houses, Manufactory or private Building, or Grounds, through which the same may be carried or laid for the Purposes aforesaid.

Workmen in  
laying Pipes  
to make good  
the Pavement.

XXXVII. Provided always, and be it further enacted, That the Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Cyphons, or Branches, shall do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and repair any Damage arising from any Drains, Sewers, or Cuts which may be made for carrying off the Washings or waste Liquids aforesaid, without any Delay, and shall in the meantime fence or guard the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided always, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or in any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground, or removing Rubbish, or making good any such Pavements or Roads, then and in every such Case it shall and may be lawful to and for the Commissioners acting under the said recited Act, or their Surveyor or Surveyors, or any other Person or Persons acting by or under the Authority of the said Commissioners, to fill in such Ground, and remove such Rubbish, and to repair and make good the Pavement of any Street, Highway, Way, Lane, Passage, or Place so broken up, and that the reasonable Costs and Charges thereof shall be paid by the said Company of Proprietors or their Treasurer; and that in default of Payment thereof for Ten Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Commissioners, Proof of such Demand being

being made by the Oath of Two credible Witnesses before One or more Justice or Justices of the Peace for the Borough of *Kidderminster*, or County of *Worcester*, all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, or such other Person or Persons, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace of the said Borough or County of *Worcester*, and which Warrant such Justice or Justices is and are hereby empowered to grant, and such Costs, Charges, and Penalties shall be paid to such Commissioners or their Treasurer.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to defeat, abridge, alter, obstruct, or in any Manner interfere with the Powers and Authorities of the Commissioners appointed or elected by virtue of the said recited Act, or the Rights of any Person or Persons to make, enlarge, repair, or amend any Vault or Sewer under any Street within the said Borough of *Kidderminster*.

Powers of Commissioners of Pavement, &c. not to be obstructed.

XXXIX. And be it further enacted, That if for the Purposes of any Act or Acts in force for the Time being for paving the Borough of *Kidderminster*, or supplying the same with Water, it shall at any Time or Times be deemed necessary or expedient by the Commissioners for paving the said Borough, or supplying the same with Water, to require the said Company to raise, sink, or otherwise alter the Situation of any of the Mains, Pipes, Stopcocks, Plugs, Cyphons, or Branches which shall be laid down for the Purposes aforesaid, the said Company shall at their own Expence, within Three Calendar Months next after being required so to do by Notice in Writing to them given by the said Commissioners, signed by their Clerk, raise, sink, or alter such Mains, Pipes, Stopcocks, Plugs, Cyphons, or Branches, according to such Notice, in such Manner and in such Place or Places as the said Commissioners shall think right and proper; and in default thereof it shall and may be lawful to and for the said Commissioners or their Surveyor, or any other Person or Persons acting by their Order or under their Authority, to cause such Mains, Pipes, Cocks, Plugs, Cyphons, or Branches to be raised, sunk, or altered, and the reasonable Costs and Charges for doing the same shall immediately thereafter be paid by the said Company or their Treasurer: Provided nevertheless, that if such reasonable Costs and Charges be not paid within Twenty Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Commissioners (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the said Borough of *Kidderminster*, or County of *Worcester*), all such reasonable Costs and Charges shall and may be recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace as aforesaid; and which Warrant such Justice or Justices is and are hereby empowered to grant,

Commissioners of Pavement empowered to raise, sink, or alter Pipes, &c.

grant, and such Costs and Charges shall be paid to the said Commissioners or their Treasurer.

Damage to be made good to the Company.

XL. Provided always, and be it further enacted, That if by the raising, sinking, or altering any of the said Mains, Pipes, Cocks, Plugs, Cyphons, or Branches, any Damage or Injury shall be wilfully or negligently done to the same by the said Commissioners or their Servants or Workmen, then and in every such Case such Damage or Injury shall be repaired and made good by the Company themselves as soon as Circumstances will permit, and the Costs, Charges, and Expences thereof shall be paid by the said Commissioners to the said Company or their Treasurer; and in case they cannot agree touching the Amount thereof, the same, and also the Costs and Charges of ascertaining and recovering the same, shall be ascertained, settled, and recovered in the Manner herein-before mentioned and appointed for ascertaining and recovering the Amount of the Injury or Damage done or to be done by the said Company to the Pipes, Branches, Apparatus, Materials, or Things of or belonging to the said Commissioners.

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

XLI. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Iron, Leaden, or other Pipe to communicate with any Pipe belonging to the said Company, without the Consent of the said Company under their Common Seal first had and obtained, nor use Burners of larger Dimensions than he, she, or they respectively shall contract or pay for, or supply any Inhabitant or other Person with any Part of such Gas, on Pain of forfeiting and paying to the said Company the Sum of Forty Shillings a Day for every Day such Pipe shall so remain, or such Excess be so committed, or such Supply furnished, to be recovered by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the Borough of *Kidderminster*, or County of *Worcester* aforesaid, and which Warrant such Justice or Justices is and are hereby required and empowered to grant; and the Surplus, after such Penalty or Forfeiture and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found or such Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the House of Correction for the County of *Worcester*, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Forfeiture and all reasonable Charges shall be sooner paid and satisfied; and it shall be lawful for the said Company of Proprietors, if they shall so think fit, 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 Contracts or Agreements which may have been previously entered into.

Penalty for interrupting Company's Workmen.

XLII. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Company of Proprietors 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

same to be done, every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors, or to the proper Person or Persons by them authorized in that Behalf, any Sum not exceeding Five Pounds, and also the full Amount of the Damage which shall be sustained by such Hinderance or Interruption, such Damage to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

XLIII. And be it further enacted, That every Contract or Agreement entered into by any Parish with the said Company shall contain a Clause providing that the said Contract shall be null and void, if at any Time the Price charged for inflammable Air used in lighting the Parish shall be greater than what at the Time such Parish may be lighted for in the usual Manner with Oil, for a Period not less than Twelve Months, by any Contractor offering due Security for the Performance of his Contract.

Contracts with any Parish void if the Price for Gas be greater than for Oil.

XLIV. And be it further enacted, That it shall be lawful for the said Company to make such Sewers or Cuts of such Breadth, Depth, and Dimensions, and in such Manner, as they shall think expedient, under the Streets, Ways, Lanes, Avenues, and Places within the said Borough, for the Purpose of carrying off the Washings or other waste Liquids which may arise in the Prosecution of the Works aforesaid, the said Company doing as little Damage as may be in making the said Sewers or Cuts, and immediately repairing at their own Expence all such Damage; but that it shall not be lawful for the said Company to carry or convey or cause to be carried or conveyed to or into any River, Stream, or Brook, any Washings or Liquids, or any Lime or other Ingredient, Matter, or Thing which shall arise or be produced in manufacturing or producing the said Gas, or in or by the Prosecution of any of the Works aforesaid.

Power to convey Washings.

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

Remedy for Recovery of Rents.

XLVI. And be it further enacted, That if any Person shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any

[Local.]

21 X

Penalty for damaging Pipes, &c.  
Part

Part of any Pipe, Post, Plug, Lamp, or other Apparatus, Matter, or Thing belonging to the said Company, or shall wilfully or maliciously waste or improperly use any of the inflammable Air or Gas supplied by the said Company, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath of One credible Witness before One or more Justice or Justices for the said Borough of *Kidderminster*, or County of *Worcester*, shall forfeit and pay to the aforesaid Company any Sum not exceeding the Sum of Five Pounds, and Three Times the Amount of the Damage, to be ascertained by such Justice or Justices to be done; such Penalty and Damage, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels, or such Offender shall and may be committed to the House of Correction of the County of *Worcester* aforesaid, there to remain for any Time not exceeding Three Calendar Months.

Protecting  
the Works of  
the Stafford  
and Worcester  
Canal.

XLVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company hereby incorporated, or the said Committee of Management, or any other Person or Persons for or on the Behalf of the said Company, to take, use, or employ any of the Buildings, Lands, Grounds, Works, Waters, or other Hereditaments belonging to the Company of Proprietors of the *Staffordshire and Worcestershire Canal Navigation*, incorporated by an Act made in the Sixth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a navigable Cut or Canal from the River Severn, between Bewdley and Titton Brook in the County of Worcester, to cross the River Trent at or near Heywood Mill in the County of Stafford, and to communicate with a Canal intended to be made between the said River Trent and the River Mersey*, and lying or being within the Borough of *Kidderminster* aforesaid, for the Purposes of this Act, without the Consent of the said Company of Proprietors; nor to extend to authorize or empower the said Company hereby incorporated, or the said Committee of Management, or any other Person or Persons, for or on the Behalf of the said last-mentioned Company, to revoke, alter, annul, prejudice, lessen, or defeat any of the Rights, Privileges, Powers, Liberties, or Authorities vested in or granted to the said Company of Proprietors of the *Staffordshire and Worcestershire Canal Navigation* in and by the said recited Act passed in the Sixth Year of the Reign of His present Majesty, and by another Act passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act made in the Sixth Year of His present Majesty, intituled 'An Act for making and maintaining a navigable Cut or Canal from the River Severn, between Bewdley and Titton Brook in the County of Worcester, to cross the River Trent at or near Heywood Mill in the County of Stafford, and to communicate with a Canal intended to be made between the said River Trent and the River Mersey,' and for granting further Powers for that Purpose*; or to annul or make void any lawful Act, Deed, Matter, or Thing made, done, or executed by the said Company of Proprietors of the *Staffordshire and Worcestershire Canal Navigation*, under and by virtue or in pursuance thereof respectively.

XLVIII. Provided always, and be it further enacted, That it shall be lawful for the said Company, incorporated by virtue of this Act, to enter into and execute any Contract with the Company of Proprietors of the said *Staffordshire* and *Worcestershire* Canal, for a Supply to the Company incorporated by virtue of this Act of any Water necessary for their Work from the said *Staffordshire* and *Worcestershire* Canal. Company may contract for Water from Stafford and Worcester Canal.

XLIX. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any other Person or Persons whosoever, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Six Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the said County of *Worcester*, the Person or Persons appealing having first given at least Ten clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notices and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such County, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatever. Appeal may be made to Quarter Sessions.

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

ness; and that in all Cases of Notices and Summonses by this Act directed or required to be given or served, which shall or may be necessary for carrying into Execution any of the Powers of this Act, the Service of any such Notices or Summonses either on the Person or Persons to whom the same ought to be given, or leaving the same or a true Copy thereof at his, her, or their Dwelling House, or usual or last Place of Abode, shall be good and sufficient Service of any and every such Notices.

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

LI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons or Party or Parties to serve any Notice or Notices upon the said Company, or any Writ or Writs or other legal Proceedings, the Service thereof upon any Member of the said Committee of Management, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or at the Office of such Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Affirmation instead of Oath.

LII. Provided always, and be it further enacted, That the Affirmation or Affirmations of the People called *Quakers* shall be allowed of and taken in all Cases where any Oath or Oaths is or are directed to be taken by this Act, instead of such Oath or Oaths, and shall be administered by the same Person or Persons as such Oath or Oaths is or are to be administered.

Persons giving false Evidence to be punished.

LIII. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice of the Peace, or otherwise under this Act upon Oath, or in case of a Quaker or Quakers on solemn Affirmation, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she, or they so giving false Evidence, shall be subject to the same Punishment as if he, she, or they had been convicted of Perjury.

Proceedings to be within Six Calendar Months.

LIV. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, unless Information respecting such Offence or Offences shall have been lodged before a Magistrate within Six Calendar Months next after such Offence committed.

Recovery and Application of Penalties.

LV. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Matter of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace for the Borough of *Kidderminster*, or County of *Worcester* aforesaid, in a summary Way, and who is hereby authorized and empowered to convict the Offender or Offenders upon Information, by the Oath of any Person or Persons, or on the Confession of the Party offending (which Oath



Oath such Justice is hereby authorized to administer); and that in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and one Moiety of the Penalties and Forfeitures when recovered, after rendering the Overplus (if any) on Demand to the Party or Parties whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being first deducted, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the House of Correction for the County of Worcester, for any Time not exceeding Three Calendar Months.

LVI. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alledging more than the Substance of the Offence; (*videlicet*),

<p>‘ Borough of Kidderminster, ‘ or County of Worcester, ‘ to wit. ‘ thousand eight hundred ‘ me [or us, as the Case shall be] ‘ the Peace for the Borough of Kidderminster, or the County of Wor- ‘ cester, by virtue of an Act of Parliament passed in the Fifty-eighth ‘ Year of the Reign of King George the Third, intituled [here insert the ‘ Title of this Act] of having [specifying the Offence, and the Time and ‘ Place when and where the same was committed, as the Case shall be] con- ‘ trary to the said Act, and for which Offence I [or we, as the Case shall ‘ be] do adjudge the said ‘ . Given under my Hand and Seal [or our, as the Case ‘ shall be, Hands and Seals] the Day and Year first above written.’</p>	}	<p>BE it remembered, That on the Day of Form of in the Year of our Lord One Conviction. is [or are] convicted before of His Majesty’s Justices of the Peace for the Borough of Kidderminster, or the County of Wor- cester, by virtue of an Act of Parliament passed in the Fifty-eighth Year of the Reign of King George the Third, intituled [here insert the Title of this Act] of having [specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be] con- trary to the said Act, and for which Offence I [or we, as the Case shall be] do adjudge the said to have forfeited the Sum of . Given under my Hand and Seal [or our, as the Case shall be, Hands and Seals] the Day and Year first above written.’</p>
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LVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Company, or against any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or the Method which shall be employed by them for furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Actions against the said Company or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting, or the Carelessness or Want of Skill of the Persons employed therein.

LVIII. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing of this Act, shall be paid and discharged out of the Monies already subscribed or to be subscribed by virtue of this Act.

[Local.]

LIX. Saving

Expences of the Act how to be paid.

Nothing in this Act to prevent Company being indicted for a Nuisance.

1926

58° GEORGI II III. *Cap. lxxxiii.*

General  
Saving of  
all Rights.

LIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to the Lord of the Manor for the said Borough of *Kidderminster*, and to the Bailiff, Justice, Aldermen, and Common Council of the said Borough, and their Successors, their respective Rights, Privileges, and Franchises, in such and the same Manner as if this Act had not been made.

Public Act.

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

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