



ANNO SEXTO

GEORGIIV. REGIS.

Cap. lxxix.

An Act to establish an additional Company for more effectually lighting with Gas the Town of *Birmingham*, and certain other Parishes and Places in the Counties of *Warwick* and *Stafford*.

[20th May 1825.]

WHEREAS the Town of *Birmingham* is at present but partially lighted with Gas, and a considerable District in the Vicinity thereof, and along the Line of the Great *Holyhead* Road, of and comprising the several Towns and Places herein-after mentioned; that is to say, *Bilston*, *Wednesbury*, *Tipton*, *West Bromwich*, *Darleston*, *Walsall*, and *Handsworth* in the County of *Stafford*, and the several Parishes of *Edgbaston* and *Aston* in the County of *Warwick*, and the continuous Line of the Great *Holyhead* Road from *Birmingham* to *Bilston*, which are not at all lighted with Gas, are intended to be lighted from One Station or Set of Works to be erected at *West Bromwich* aforesaid; and it would be a great public Advantage to all the Inhabitants of the said District, and to all Persons travelling through the Roads, Streets, and Ways thereof, if the same were lighted with Gas: And wherea the several Persons herein-after named, together with other Persons, have subscribed and are willing to subscribe all such Sum and Sums of Money as are necessary for the Erection of proper Works, laying down Pipes, and completing all proper Preparations for lighting all such Places with Gas; but the same cannot be effected without the Aid and Authority

[Local.]

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of

Persons to be
incorporated.

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 Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *James Hughes Anderdon, Isaac Anderton, Gregory Hicks Anderton, William Anderton the younger, William Aston, Thomas Attwood, Matthias Attwood the younger, George Attwood, Edward Baker, John Benson, William Blakeway the younger, Thomas Botteley, George Bridges, John Brightween, William Miller Christy, Timothy Cobb, Benjamin Cook, William Cope, Charles Cope, James Deykin, Thomas Dewson, Thomas Evans, Charles Grafton, Joseph Hedley, Daniel Hill, Thomas Horton, William Haughton, Archibald Kenrick, Joseph Frederick Ledsam, Daniel Ledsam, William Linwood, John Linwood, J A Labron, William Marshall, John Mabson, Thomas Mole, Edward S Moore, Joshua Scholefield, Joseph Shore, Frederick Francis Shore, Benjamin Smith, Cowperthwaite Smith Clerk, Henry Spooner, William Thompson, William Taylor, John Vale, Gervase Wheeler, Thomas Wilson, and William Yates,* and all and every such other Person or Persons, Body or Bodies Politic or Corporate, as shall or may from Time to Time be duly admitted a Proprietor or Proprietors as herein-after mentioned, 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 *Birmingham and Staffordshire Gas Light Company,*" and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law and in Equity, and shall and may prosecute any Persons who shall commit any Felony, Misdemeanor, or other Offence punishable by the Laws of this Realm.

Name of
Company.

Purposes of
the Company.

District to
which this
Act shall
extend.

Capital Stock
to be
120,000*l.*

Stock to be
divided into
Shares of 50*l.*
each.

II. And be it further enacted, That the said Company shall be established for the Purpose of producing Inflammable Air or Gas from Coal, Oil, Tar, Pitch, or other Materials, for lighting with Gas the several Roads, Streets, Ways, Lanes, and other public Passages and Places, and also Shops, Manufactories, and private Houses, in the said Towns and Places of *Birmingham, Bilston, Wednesbury, Tipton, West Bromwich, Darlaston, Walsall, and Handsworth,* and the several Parishes of *Edgbaston* and *Aston,* in the said Counties of *Warwick* and *Stafford.*

III. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves a Sum of Money by way of Capital or Joint Stock, to be applied and used in establishing and carrying on the said Undertaking and the Purposes aforesaid, not exceeding in the whole the Sum of One hundred and twenty thousand Pounds; and the said Company shall not be authorized to exercise the Powers granted by this Act until the Sum of One hundred and twenty thousand Pounds shall have been subscribed for that Purpose.

IV. And be it further enacted, That the said Sum of One hundred and twenty thousand Pounds, to be subscribed under the Powers of this Act, shall be divided into Shares of Fifty Pounds each; and every Proprietor of a Share or Shares shall be entitled to and interested in the Capital Stock and Effects of the said Company, and the Profits and Advantages attending

attending the same, according to the Number of Shares he or she shall hold.

V. And be it further enacted, 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 shall be transmissible as such accordingly. Shares to be Personal Estate.

VI. And be it further enacted, That in case the aforesaid Sum of One hundred and twenty thousand Pounds shall be found insufficient for the Purposes of this Act, and carrying on the aforesaid Undertaking, then and in such Case it shall be lawful for the said Company of Proprietors, by an Order of any General Meeting of the said Company of Proprietors, to borrow or take up at Interest any further Sum or Sums of Money, not exceeding in the whole the Sum of Forty thousand Pounds, on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors or the Committee of Directors, after an Order shall have been made for that Purpose by any General Meeting, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rents to arise and be made by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of the said Rents and Profits), as a Security for any such further Sum or Sums of Money (not exceeding the said Sum of Forty thousand Pounds) to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his or their Trustee or Trustees, who shall advance the same; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company of Proprietors in the Words or to the Effect following; (that is to say,) For borrowing Money on Mortgage.

Number

BY virtue of an Act made in the Sixth Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*], we, the Company of Proprietors of the *Birmingham and Staffordshire Gas Light Company*, incorporated by and under the said Act, in consideration of the Sum of _____ to us in hand paid by _____ of _____ do assign unto the said _____ his [*or her*] Executors, Administrators, and Assigns, the said Undertaking, and all and singular the Rents arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of, in, and to the same, to hold unto the said _____ his [*or her*] Executors, Administrators, and Assigns, until the said Sum of _____ together with Interest for the same at and after the Rate of Five Pounds for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Common Seal this _____ Day of _____ One thousand eight hundred and _____

And all and every Person or Persons to whom such Mortgage or Assignment shall be made shall be equally entitled one with the other to his, her, or their Proportion or Proportions of the said Rates and Premises according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account whatsoever; and a Memorial of every such Assignment, containing the Date and Name or Names of the Person or

Mortgages
may be trans-
ferred.

or Persons to whom made, and the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk of the said Company of Proprietors, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say,)

I [or We] _____ of _____ in consi-
deration of the Sum of _____ paid by
_____ of _____ do hereby transfer
a certain Mortgage, Number _____, made by the Company of Pro-
prietors of the *Birmingham* and *Staffordshire* Gas Light Company, to
_____ bearing Date the _____ Day of
_____ for securing the Sum of _____ and
Interest, and all my [or our] Right and Property therein, to the said
his [or her] Executors, Administrators,
and Assigns. Dated this _____ Day of _____ in the
Year of our Lord _____

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk of the said Company of Proprietors, who shall cause a Memorial to be made thereof, in like Manner as the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made every Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

Payment of
Interest on
Mortgage:

VII. And be it further enacted, That the Interest of the Money which shall be borrowed by Promissory Notes or Mortgages as aforesaid shall be paid Half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged, or provided for, before the yearly or other Interest or Dividends due to the said Proprietors or any of them shall be paid, made, or provided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, it shall be lawful for any Two or more Justices of the Peace acting in and for the said Counties of *Warwick* and *Stafford* respectively, and they are hereby required, on Request to them being made by any Creditor whose Interest shall be in arrear, by an Order under their Hands to appoint One or more Person or Persons to receive the Whole or such Part or Parts of the said Rates as were liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such

Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*.

VIII. And be it further enacted, That the Lands and Hereditaments, Manufactories, Gasometers, Machinery, Apparatus, and Works, Goods, Chattels, and Effects of the said Company and their Successors, shall be answerable and subject for the just Debts, Liabilities, Engagements, and Demands of the Creditors of and Contractors for the said Company.

Lands, &c. of the Company answerable for their Debts.

IX. And be it further enacted, That the several Persons who shall subscribe for or 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, or such Parts or Proportions 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 in such Manner as shall be ordered and directed by the Directors for the Time being herein-after mentioned; and in case any Person or Persons shall at any Time refuse or neglect to pay any such Sums of Money at such Times and in such Manner as shall be ordered or directed by the Directors as aforesaid, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or otherwise in any of His Majesty's Courts of Record at *Westminster*; together with lawful Interest for the same from such appointed Time of Payment, and all Costs of Suit, 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 or more Share or Shares in the said Undertaking, then from all or any or either of such Persons.

To compel Payment of Subscriptions.

X. And be it further enacted, That the being a Proprietor, or holding any Shares, or having any Interest in the said Company shall not disqualify any Person from being a Commissioner by virtue of an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of Birmingham in the County of Warwick, and for regulating the Police and Markets of the said Town*; but no Commissioner, being a Proprietor, or holding any Share or having any Interest in the said Company, shall have any Vote upon any Question, Matter, or Thing which shall arise or be made at any Meeting of the said Commissioners touching or concerning the breaking up any of the Pavements in the said Town, or in the laying down any Main or other Pipes for the lighting of any of the Streets, Lanes, Ways, public Passages and Places within the said Town, or any Nuisance that may be occasioned thereby; and every such Proprietor being a Commissioner, voting upon any such Question, Matter, or Thing, shall be liable to forfeit for every Offence the Sum of Fifty Pounds, with full Costs of Suit, to the Party who shall

Proprietors not disqualified from being Commissioners of the Act of 52 G. 3. for paving the Town of Birmingham.

sue for the same, to be recovered by Action of Debt or on the Case, Bill, Plaint, Suit, or Information, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

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

XI. And be it further enacted, That the Clerk of the said Company, as soon as a Clerk is chosen, shall cause the Names and Designations of the several Persons who shall have subscribed for or may at any Time hereafter become 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 for that Purpose, and after such Entry shall cause the same to be signed by the Chairman of the said Directors; and the said Directors shall cause a Certificate under the Common Seal of the said Company to be prepared and delivered to every Proprietor upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, for which Certificate the Clerk of the said Company shall be entitled to demand and receive, from the Person or Persons for whose Use such Certificate shall be prepared, the Sum of Two Shillings and Sixpence, and no more, for making out the same; and such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified.

First Meeting of Proprietors.

XII. And be it further enacted, That within One Calendar Month after the passing of this Act, or as soon after as conveniently may be, a General Assembly or Meeting of the Proprietors of Shares shall be holden at some convenient House or Place in the Town of *Birmingham* between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon; of which General Assembly or Meeting Seven Days Notice shall be given by the Clerk to the Company of Proprietors of the said Undertaking once in some One Newspaper printed or circulated in the Counties of *Warwick* and *Stafford*, or either of them; and such General Assembly shall then and there proceed in the Execution of this Act, and shall and may adjourn to or shall assemble at the same or such other Times and Places as shall be appointed in manner herein-after mentioned; at which General Assembly or Meeting, or at any Adjournment thereof, Twenty-one Directors and Two Auditors shall be elected and chosen, each of whom shall be possessed of Ten Shares at the least, and who shall continue in Office until the First Day in the Month of *August* which will be in the Year of our Lord One thousand eight hundred and twenty-six, or until others or another in their or any of their Stead shall be elected and chosen; and such General Assembly or Meeting may be adjourned to such other Time and Place as the Proprietors of the Majority of Shares in the said Undertaking then present shall think fit.

General Assemblies to be holden half-yearly.

XIII. And be it further enacted, That the said Company shall, in the Months of *February* and *August* in each and every Year, hold a General Assembly or Meeting of the said Proprietors, of which General Assembly or Meeting Seven Days Notice shall be given in some one Newspaper printed or circulated in the said Counties of *Warwick* and *Stafford*, or either of them; and at the General Assembly or Meeting to be held in the Month of *August* One thousand eight hundred and twenty-six, and

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in the Month of *August* in every succeeding Year, or some Adjournment thereof, One Third of the Directors shall from Time to Time go out of Office, and such One Third, namely, Seven Directors, shall from Time to Time be elected and chosen: Provided nevertheless, that nothing herein contained shall render any one of the Directors whose Office shall have expired ineligible to be immediately re-elected, if otherwise duly qualified: Provided also, that no Person shall be qualified to be elected, or to serve or act as such Director, who shall hold or derive any Place of Profit under the said Company, or deal or be interested in any Article, Matter, or Thing used or manufactured by the said Company, or concerned or interested in any Contract or Contracts for supplying the same or any of them, or shall not have possessed Ten Shares in the said Undertaking for Three Calendar Months at the least.

XIV. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into execution a Special General Assembly or Meeting of the said Proprietors shall be necessary to be holden, it shall be lawful for any Two or more of the said Proprietors by a Notice under their Hands to give Twenty Days Notice of such Special General Assembly or Meeting in One or more Newspaper or Newspapers printed or circulated in the said Counties of *Warwick* and *Stafford*, or in such other Manner as the said Company of Proprietors may at any General Assembly or Meeting direct and appoint, specifying in such Notice the Reason, Occasion, and Intention of such Special General Assembly or Meeting, and the Time when and Place where the same shall be holden, which Place shall be within Ten Miles of the said Town of *Birmingham*, and the said Proprietors are hereby authorized to meet pursuant to such Notice; and such of them as shall be present at such Special General Assembly or Meeting shall proceed to the Execution of the Powers by this Act given to the said Proprietors with respect to the Matters so specified in such Notice only; and all such Acts, Orders, or Determinations of the said Proprietors, or the Majority of them, met together at every such Special General Assembly or Meeting, shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at any stated General Assembly or Meeting.

Assemblies or Meetings of the Proprietors may be specially convened.

XV. And be it further enacted, That at any of such General Assemblies or Meetings the said Company shall and they are hereby authorized and empowered to make such Rules, Orders, Bye Laws, and Regulations from Time to Time as to them shall seem meet and proper for the good Government of the said Undertaking, and for regulating the Proceedings of the said Directors, and the Duties and Conduct of all Officers, Workmen, and Servants to be employed in and about the Affairs and Business of the said 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 new or other Orders, and impose such reasonable Fines and Forfeitures upon all Officers, Workmen, and Servants of the said Company, and other Persons to be employed in and about the Affairs and Business of the said Company, or in the Superintendence and Management of the said Undertaking, not exceeding the Sum of Five Shillings for any One Offence, as to the said Company at a General Assembly or Meeting shall seem meet and expedient; and all Rules, Orders, and Bye Laws so

Power to make Bye Laws, &c.

made

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 Authority in any Court of Law or Equity to justify all Persons who shall act under the same: Provided nevertheless, that such Rules, Orders, and Bye Laws be not repugnant to the Laws or Statutes of that Part of the United Kingdom of Great Britain and Ireland called *England*, or to any of the Directions or Provisions of this Act: Provided also, that printed Copies of all such Bye Laws shall be affixed and continued in the Office of the said Company: Provided always, that in case at any Assembly of the said Proprietors the Number of Votes, including the Vote of the Chairman, shall be equal, then and in every such Case the Chairman for the Time being shall have an additional or casting Vote.

Proprietors to vote according to the Number of their Shares.

XVI. And be it further enacted, That the Members of the Company shall have One Vote at such General or Special Meetings for every Share he or she shall possess in the said Undertaking to the Number of Nine Shares, but no Proprietor shall have or be entitled to more than such Nine Votes, notwithstanding the Amount of his or her Subscription may exceed such Number of Shares; and no Proprietor shall be entitled to vote in respect of any Share or Shares, after the Day appointed for Payment of any Instalment or Call to be made or called for as herein-after is mentioned, until such Instalment or Call shall have been paid; and no Person or Persons shall vote at any General or Special Meeting upon any Question or Questions relating to the Concerns of the said Undertaking, in which such Person or Persons shall be in anywise interested other than as a Subscriber or Subscribers, Proprietor or Proprietors, in the said Undertaking.

The Person whose Name stands first shall be deemed the Owner of divided Shares.

XVII. And be it further enacted, That when any Share or Shares in the said Joint Stock shall be jointly possessed by or be the Property of more than One Person, the Owner or Proprietor whose Name shall stand first in Order on the Books of the said Company as Proprietor of such Share or Shares shall, for all the Purposes of the said Company, be deemed and taken to be the Owner or Proprietor of such Share or Shares; and such Person shall be entitled to give any Vote or Votes to be given in respect of such Shares.

Empowering Proprietors of Shares to vote by Proxy.

XVIII. 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 Shares at any General or Special Assembly or Meeting of the said Company, shall have full Power and Authority to give his or her Vote or Votes at such General or Special Meetings as aforesaid either in Person or by Proxy, every such Proxy being a Proprietor in the said Undertaking; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say,)

‘ I *A. B.* of *One of the Proprietors in the Birmingham*
 ‘ and *Staffordshire Gas Light Company*, do hereby nominate, consti-
 ‘ tute, and appoint *C. D.* of *to be my Proxy, in my*
 ‘ Name and in my Stead to vote or give my Assent to or Dissent from
 ‘ any Business, Matter, or Thing relating to the said Undertaking that
 ‘ shall be mentioned or proposed at the General or Special Assembly of
 ‘ the said Company to be holden on the *Day of*
 ‘ or any Adjournment thereof, if I shall not be pre-
 ‘ sent,

sent, 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

XIX. Provided always, and be it further enacted, That in case any Proprietor or Proprietors entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Lunatics or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Meetings by his, her, or their Committee or any one of such Committee, and such Minor or Minors shall or may vote by his, her, or their Guardian or any one of such Guardians: Provided also, that no Person or Persons, or Bodies Corporate or Politic, shall vote as a Proxy or Proxies for more than Five Members upon any one Occasion, but such Person or Party may also vote in right of his own Shares as well as Committee of any Lunatic or Lunatics, and as Guardian of any Minor or Minors, on the same Occasion.

Lunatics and Minors how to vote.

XX. And be it further enacted, That it shall be lawful for the said Company at any General Meeting of the said Company to nominate and appoint, under the Common Seal of the said Company, any Person or Persons to be Treasurer or Treasurers, and from Time to Time to remove any such Treasurer or Treasurers of the said Company, and to nominate, elect, and appoint any other Person or Persons in his or their Room or Stead.

Power to General Meeting to appoint a Treasurer or Treasurers.

XXI. Provided always, and be it further enacted, That all Notices herein 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 otherwise provided for, shall be given to the said Proprietors respectively by Advertisement to be (signed by the Clerk of the said Company) inserted once in some one Newspaper printed and circulated in the said Counties of *Warwick* and *Stafford*, or either of them; and such Notices, when so signed and published, shall be deemed and considered the same as personal Notices.

Notices of Meetings to be given by the Clerk of the Company.

XXII. And be it further enacted, That the Directors to be from Time to Time chosen as aforesaid shall within Ten Days next after their Election meet, and shall, before proceeding to any other Business, elect one of their Members to be Chairman, and another Member Deputy Chairman of such Directors.

Directors to appoint a Chairman and Deputy Chairman.

XXIII. And be it further enacted, That the Directors to be from Time to Time appointed as aforesaid, or any Five or more of them, shall hold their Meetings at such Time and at such Place within the Town of *Birmingham* or Vicinity thereof as they shall from Time to Time think proper; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by the Majority in Number of the Members present; and in case of an equal Number of Votes, including the Vote of the Chairman for the Time being, such Chairman shall have an additional or casting Vote; and if on the Day appointed for any Meeting of the said Directors Five Directors qualified to vote shall not attend,

Meetings of Directors, and Regulations for their Proceedings.

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then and in such Case the Meeting shall be adjourned to the next Day not being a *Sunday*, and if the next Day should be a *Sunday* then to the *Monday* following, by the Director or Directors then present, or none be present; then by the Clerk of the said Company, or such other Person as shall attend in his Place; and any Five or more of the said Directors may, at any Time when they shall think fit, call a Meeting of the Directors by causing Seven Days Notice in Writing, signed by such Directors or by the Clerk of the Company, to be sent by the Post or otherwise to the Residence or Address of every other Director, and also renew the Meetings of the other Directors, although they may have been discontinued for Want of Adjournment, or to institute a new Meeting independent of any Meeting appointed by Adjournment.

Powers of
Directors.

XXIV. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and appoint the Time and Place for holding General Assemblies or Meetings, and 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 said Company, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods, and Chattels for the Use of the said Undertaking, and entering into Agreements or Contracts for supplying with Gas the said several Roads, Streets, Ways, Lanes, and other public Passages and Places, and also Shops and Manufactories in the several Parishes, Townships, and Places herein-before enumerated, or Parts adjacent, or any Part thereof as aforesaid, or the Houses, Shops, or Buildings therein, and in selling and disposing of all Articles produced as aforesaid in manufacturing such Gas, and making, enforcing, and rescinding, compounding and compromising, all Contracts and Bargains touching or in anywise concerning the same, subject to such Orders, Bye Laws, Rules, and Regulations as shall at any Time be duly made by the said Company in Restraint, Controul, or Regulation of the Powers and Authorities by this Act granted; and the said Directors shall and may appoint a Clerk, Officers, Servants, Workmen, and Tradesmen of the said Company, and from Time to Time dismiss, remove, or suspend them as they shall think fit, and shall be at liberty at any Time to call any Special General Meetings of the said Company for any Purpose they may think proper, and shall and they are hereby required to take such Security to the said Company of Proprietors from the Treasurer or Treasurers, Clerk, or other Officer or Officers, or other Person, for the faithful Execution of their respective Duties, as they shall think proper and adequate to the Trust.

For supplying
Vacancies of
Directors

XXV. And be it further enacted, That when and so often as any Director to be elected by virtue of this Act shall die or become disqualified, or shall for the Space of Six Calendar Months refuse or neglect to attend the Meetings of the said Directors, unless such Cause of Absence shall be occasioned by Illness, it shall be lawful for the said Company, at any General Meeting to be held pursuant to the Directions of this Act, to elect some other Proprietor, qualified as herein-before mentioned, to be a Director in his Stead; and every such Proprietor so elected shall continue in Office as a Member of the said Directors, so long as the Person in whose Place or Stead he was elected would have been

been entitled to have continued if such Death, Disqualification, Refusal, or Neglect had not happened.

XXVI. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors or their Directors to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ 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 accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, shall accept the Office of Treasurer, or being the Partner of any such Treasurer shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk and Treasurer not to be the same Person.

XXVII. And be it further enacted, That the Treasurer or Treasurers, or other Officer or Officers to be appointed by the said Company, shall not issue any Sum or Sums of Money on account of the said Company without an Order or Orders made at a General Meeting of the said Company, or without an Order or Orders in Writing, signed by Three or more Directors; and the Receipt or Receipts of such Treasurer or Treasurers for all Monies payable to him or them on account of the said Company shall be effectual Discharges for the same.

Treasurer not to issue Money without an Order signed by Three of the Directors.

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

Proceedings to be entered in Books.

XXIX. And be it further enacted, That the Directors for the Time being shall have full Power at any Time or Times to make such Call or Calls upon the several Subscribers and Proprietors of the said Undertaking, or their respective Executors, Administrators, Successors, or Assigns, for the Amount of the Subscriptions for their respective Shares, either in One Payment or by Instalments, as such Directors shall deem requisite or necessary for the Purposes of the said Undertaking; and every Order for a Call shall be signed by the Chairman of the said Directors for the Time being present at some Meeting of the said Directors; and

Directors may make Calls on Subscribers.

and the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer or Treasurers of the said Company for the Time being at such Time and Place as shall be appointed by such Directors, of which Time and Place Twenty-one Days previous Notice shall be given in such Manner as the said Directors shall direct or appoint in that Behalf: Provided always, that no One such Call do exceed the Sum of Five 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 One Calendar Month at least from another.

In default of Payment on Calls, Shares to be forfeited.

XXX. And be it further enacted, That if any Subscriber, Person or Persons, or Proprietor or Proprietors of any Share or Shares in the said Undertaking, his, her, or their Executors, Administrators, Successors, or Assigns, shall neglect or refuse to pay his, her, or their Part or Portion of the Money to be called for by the Directors as aforesaid by the Time appointed for Payment thereof, or within Twenty-one Days then next after, then and in such Case such Person or Persons so neglecting or refusing shall (whether or not the same shall then have been sued for in any Court of Law or Equity) absolutely forfeit all his, her, or their Part, Share, and Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the said Company, unless otherwise determined by a Special General Meeting; and all Shares which shall and may be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall go to and make Part of the Capital or Joint Stock of the Company; Provided always, that no Advantage shall be taken of such Forfeiture of any Share in the said Undertaking as aforesaid until after Ten Days Notice shall have been given by the Chairman or Deputy Chairman of the said Company, or Five of the Directors, to the Owner or Owners thereof, by Notice in Writing left at his, her, or their usual or last Place of Abode, if they shall reside within the Limits of this Act, and if not, then by Letter sent by the Post; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Subscriber and Subscribers, Proprietor or Proprietors, or their Executors, Administrators, Successors, or Assigns, so forfeiting; against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls.

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

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

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

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

Shares may be transferred.

I [or We] of in consideration of paid to me [or us] by of sell, and transfer to the said Share [or Shares, as the Case may be,] in the Birmingham and Staffordshire Gas Light Company, Number [or Numbers] in the said Undertaking, to hold to the said Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions, as I [or we] held the same Share [or Shares] immediately before the Execution hereof; and I [or we] the said do hereby agree to take and accept the said Share [or Shares], subject to the said Rules, Orders, Restrictions, and Conditions. As witness our Hands and Seals this Day of in the Year of our Lord One thousand eight hundred and

Form of Transfer.

And every such Transfer shall be produced to the Clerk of the said Company, and shall be registered by him in the Books of the said Company, for which the Sum of One Shilling per Share shall be paid to such Clerk by the Person so requiring such Transfer to be registered, and no more; and the Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and a Copy of such Register, signed by the said Clerk, shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall be registered in the Books of the said Company, no Purchaser or Purchasers of any Share, or his, her, or their Executors, Administrators, or Assigns, shall be deemed a Proprietor, or have any Part of the Profit of the said Undertaking, or in the Profits or Advantages thereof, nor shall receive any Interest or Dividends for or in respect of such Share or Shares so purchased, nor be entitled to any Vote at any Meeting or Meetings as a Member or Members of the said Undertaking.

Transfer to be registered.

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

No Share to be sold after a Call till the Money called for is paid.

[Local.]

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

For ascertaining the Proprietorship of Shares in certain Cases.

XXXIV. 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, 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 of the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to know who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares; 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 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-before specified, an Affidavit shall be made and sworn to 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 Counties of *Warwick* or *Stafford*, stating the Manner in which such Share or Shares have or hath passed to such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to the Clerk of the said Company, to the Intent that he may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors in the said Undertaking to be kept in the Office of the Clerk to the said Company.

Accounts to be settled.

XXXV. And be it further enacted, That at the General Assemblies or Meetings in the Months of *February* and *August* in each Year, or some Adjournments thereof, the Accounts of the said Company shall be from Time to Time settled; and such General Assembly or Half-yearly Meeting, or any Assembly or Meeting specially called for the Purpose, shall have full Power from Time to Time to call for and examine the Accounts of the said Company; and at every Half-yearly General Assembly or Meeting, or some Adjournment thereof, a 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 shall be at and after the Rate of so much *per Centum* for every Share upon all and every the Sum and Sums of Money paid to the said Company by the said Subscribers, their Successors, Executors, Administrators, 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 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.

Powers vested in the Company by

XXXVI. And be it further enacted, That it shall not be lawful for the said Company of Proprietors hereby incorporated at any Time hereafter

after to sell or dispose of any of the Rights, Privileges, Powers, or Authorities vested in them by this Act for supplying with Gas the several Parishes and Places within the Limits of this Act, or any of them, to any other Gas Light Company now existing or which may hereafter be established for the supplying of Gas, or to any Person or Persons whomsoever. this Act shall not be alienable.

XXXVII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time to treat, contract, and agree for the absolute Purchase of, and to hold to them and their Successors, any Lands, Tenements, or Hereditaments in the Parish of *West Bromwich* which they may think requisite for any of the Purposes of this Act, not exceeding in the whole at any One Time any greater Quantity than Five Statute Acres, and also to sell and dispose of such Lands, Tenements, or Hereditaments as they shall think proper, and to purchase and hold other Lands, Tenements, and Hereditaments in the said Parish of *West Bromwich*, not exceeding the Quantity aforesaid, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or any other Law or Statute whatsoever. Power to contract for the Purchase of Lands and Buildings

XXXVIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, and all Tenants for Life and in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, 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 Femmes Covert, and for all other Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which the said Company are enabled to purchase 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 or convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Company for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue and 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 Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Body or Bodies Politic, Corporate, Collegiate, Ecclesiastical or Lay, Aggregate or Sole, or other 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 considered to bar the Dower and Dowery of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Remainder, Reversion, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Bodies Politic empowered to sell.

mon Recoveries would do if levied or suffered by the said 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, Ecclesiastical or Lay, Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons, is, are, and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

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

1 G. 4. c. 35.

XXXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or any Estate or Estates, Interest or Interests therein, purchased by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity whatsoever, 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 Court of Exchequer, to be placed to his Account *ex parte* the Birmingham and Staffordshire Gas Light Company, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money 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 Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase or Redemption of Land Tax, or in or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or Part or Parts thereof, or other Lands, Tenements, or Hereditaments 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 the like Direction and Approbation of the said Court, in the Purchase of other 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 Lands, Tenements, and Hereditaments which shall be purchased for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application 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

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

XL. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or any Estate or Estates, Interest or Interests therein, purchased for the Purposes of this Act, belonging to any Body or Bodies, Person or Persons, under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, or Parts, Estates, or Interests so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in case 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 Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Body or Bodies, Person or Persons, making such Option, and approved of by Three or more of the Directors of the said Company, 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 Court.

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

XLI. Provided always, and be it further enacted, That where such Money so to be paid as last before mentioned shall not exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments; Parts, Estates, and Interests, so to be purchased for the Purposes of this Act, in such Manner as the Directors of the said Company, or any Five or more of them, shall think fit, or in case 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 20*l.*

XLII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Body or 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 Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments; or for any Share, 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

In case of disputed Titles.

to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, Share or Shares, 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, Share or Shares, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly; unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Bodies, Person or Persons, was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expences of Purchases may be allowed by the Court.

XLIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, 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 the 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 Company.

XLIV. 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, or the Party or Parties, or Person or Persons respectively entitled to such Money, or their Agents, 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, and upon the Conveyance in manner herein directed of such Lands, Tenements, or Hereditaments; all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or in 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.

Form of Conveyance.

XLV. 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 and to the Effect following; that is to say,

‘ I [or We, as the Case may be] of _____ in consideration of
 ‘ the Sum of _____ paid to me [or us], or into the Bank
 ‘ of *England* [as the Case may be], by the Company of Proprietors estab-
 ‘ lished under or by virtue of an Act passed in the Sixth Year of the
 ‘ Reign of King George the Fourth, intituled [here insert the Title of this
 ‘ Act],

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

XLVI. And be it further enacted, That it shall 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, or 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 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 a sufficient Discharge or 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.

Re-sale of
Land not
wanted.

XLVII. And whereas the said Company of Proprietors are enabled to purchase Five Statute Acres of Land, where they may erect Works by virtue of this Act for the Purposes thereof, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company of Proprietors to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable

Restraining
the Company
from pur-
chasing more
than Five
Statute Acres
of Land from
incapacitated
Persons, &c.

or

or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Five Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Five Statute Acres so purchased it shall not be lawful for the said Company to purchase of or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Five Statute Acres or any Part thereof so sold or disposed of by the said Company.

Power to
erect Works,
&c.

XLVIII. 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, or other Buildings, Cisterns, Engines, Machines, or other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, on the Lands to be purchased or acquired by them by virtue of the Powers herein-before contained, and to sink and lay Pipes, and (with the Permission or Consent of the Owners and Occupiers, but not otherwise,) to erect and fix them against any Walls, or in Posts and Pillars, under the Directions and Stipulations of this Act, of such Construction and in such Manner as the said Company and their Successors shall think necessary or proper for carrying the Purposes of this Act into execution; but nothing in this Act contained shall authorize or empower the said Company, or any of their Servants, Agents, Workmen, or others, to enter into any private Lands, Grounds, or Premises, or continue any of their Pipes thereon, without the Consent of the Owners and Occupiers of every Dwelling House or Houses, Buildings, Lands, Walls, Posts, or Pillars, through or against which any such Pipe or Pipes may be carried, affixed, or laid, being first had and obtained.

Power to lay
Mains, and
to erect Ma-
chinery re-
quisite for
securing a
competent
Supply of
Gas to Dwell-
ing Houses,
&c. and to
alter and
amend im-
perfect Work.

XLIX. Provided always, and be it further enacted, That the said Company shall have full Power and Authority to lay any Main requisite for the Supply of any such Roads, Streets, Ways, Lanes, public Passages and Places, Dwelling House or Houses, Manufactories, Shops, Warehouses, public or private Buildings, in the said Towns and Places of *Bilston, Wednesbury, Tipton, West Bromwich, Darlaston, Walsall, and Handsworth*, and the several Parishes of *Edgbaston* and *Aston*, in the said Counties of *Warwick* and *Stafford*, or any of them respectively; and to erect and set up, by themselves, or their Agents, Servants, and Workmen, any Machine or other Apparatus necessary or requisite for securing to such Dwelling House or Houses, Manufactories, Warehouses, 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

any bad or imperfect Work which shall have been placed in such Roads, Streets, Ways, Lanes, public Passages and Places, Dwelling Houses, Manufactories, Shops, Warehouses, public or private Buildings; any thing in this Act to the contrary thereof in anywise notwithstanding.

L. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Company to contract with the Commissioners, Trustees, Persons, or Bodies having the Controul, Direction, or Management of the lighting of any of the Parishes or extra-parochial Places in the said Towns and Places of *Bilston, Wednesbury, Tipton, West Bromwich, Darlaston, Walsall, and Handsworth*, and the several Parishes of *Edgbaston and Aston*, in the said Counties of *Warwick and Stafford*, or any of them respectively, or any Persons, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, willing to contract with the said Company for the lighting of any such Parishes or Places, or any Streets, Highways, Lanes, or Passages, or Manufactories, Shops, Warehouses, or private Houses, public or private Buildings, and Places of public Exhibition, within the said Parishes or Places respectively, and agree with all private Person and Persons for the lighting thereof, or of any such Shops, Warehouses, or private Houses.

Power to the Company to contract for the lighting of Streets and Houses.

LI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby fully authorized and empowered, in such Cases as to them shall seem meet and convenient, to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main Pipe laid in any Road, Street, Way, Lane, or other public Passage or Place by the said Company, by virtue of this Act, in 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 such Main, with the Consent of the Owner and Occupier of such Dwelling House or Houses, Manufactories, public or private Buildings, but not otherwise.

Power to light up Houses, &c. from the Mains.

LII. Provided always, and be it further enacted, That the said Company shall, at their own Expence, on the Expiration or Determination of the Contract or Contracts, Tenancy or Tenancies of any Occupier or Occupiers so giving Consent as aforesaid, or within Seven Days after the Expiration or Determination of such Tenancy or Tenancies, upon receiving Seven Days Notice in Writing for the Purpose, for or on behalf of the Owner or Owners, Occupier or Occupiers, or the succeeding Owner or Owners, Occupier or Occupiers of any such Dwelling House or Houses, Manufactories, public or private Buildings as aforesaid, remove, take, and carry away, or cause to be removed, taken, and carried away, any Pipe or Pipes, Cocks, or Branches from any Main or Pipe which shall have been introduced or laid by the said Company in or through any such Dwelling House or Houses, Manufactories, public or private Buildings as aforesaid, pursuant to the Power for that Purpose herein-before contained, and repair and make good such Dwelling House or Houses, Manufactories, public or private Buildings, where the same shall have been so introduced, any thing herein contained to the contrary thereof in anywise notwithstanding; and in default thereof it shall be lawful for such Owner or Owners, Occupier or Occupiers, or such new Owner, Occupier or Occupiers, as the Case may require, or any other Person

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

or Persons acting under their, his, or her respective Authorities or Authority, to cause such Pipes, Cocks, or Branches to be removed, taken, and carried away, and the Dwelling House or Houses, Manufactories, public or private Buildings where the same shall have been introduced, to be repaired and made good, the reasonable Costs and Charges for so doing the same shall be immediately paid by the said Company or their Treasurer for the Time being to such Owner or Owners, Occupier or Occupiers, as the Case may require: Provided nevertheless, that if such reasonable Costs and Charges be not paid within Fourteen Days next after Demand shall be made by such Owner or Owners, Occupier or Occupiers (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the Counties of *Warwick* or *Stafford*), all such reasonable Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said Counties, and which Warrant such Justice and Justices is and are hereby empowered to grant; and such Costs and Charges shall be paid to such Owner or Owners, Occupier or Occupiers, as the Case may require.

Company
may contract
with Com-
missioners of
Paving for
laying Pipes,
&c.

LIII. And be it further enacted, That it shall be lawful for the said Company to contract with the Commissioners appointed by or acting in pursuance of an Act of Parliament, made and passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of Birmingham in the County of Warwick, and for regulating the Police and Markets of the said Town, and for lighting the said Town of Birmingham with Gas*, and by and with the Consent and Approbation of the said Commissioners for that Purpose in Writing first had and obtained, and not otherwise, by their Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, and other Apparatus, Cuts, Drains, Sewers, Intercourses, Reservoirs, and other Works and Devices, and to sink and lay Pipes, and to erect and fix them against any Walls, or in Posts or Pillars in the Streets, of such Construction and in such Manner as the said Commissioners shall think necessary or proper for carrying the Purposes of this Act into execution, and also, by and with such Consent as aforesaid, to break up the Soil and Pavements of any Streets, Highways, Roads, Ways, Lanes, Passages, and other Places, or any Part of them or either of them, in the said Town of *Birmingham*, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes in, under, across, and along such Places as aforesaid, and in such Manner as shall be necessary for the Purpose of carrying this Act into execution, and from Time to Time to alter the Position of, and repair, relay, and maintain such Pipes, Stopcocks, Syphons, 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 in the said Town by the said Company, by virtue of this Act, into or through any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same, or
any

any public or private Lamp, from any of such Mains or Pipes, and to erect and set up any other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring or ascertaining the Extent of such Supply, and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged, in such Dwelling House or Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, or Things as the said Company or their Successors shall from Time to Time think necessary and convenient for completing, amending, repairing, improving, supplying, and using the same, provided a proper Compensation be made for any Damage which may be done thereby; but nothing herein contained shall authorize or empower the said Company to enter into or upon any Dwelling House or Houses, Manufactory, public or private Building, Lands, Hereditaments, or Premises, or to affix any Pipe or other Apparatus against any such Dwelling House, Manufactory, or other Building, or to continue the same for any of the Purposes of this Act, without the previous Consent in Writing of the Owner and Occupiers of every such Dwelling House or Houses, Manufactory, public or private Building, Hereditaments, and Premises into or upon which the said Company may for any of the Purposes aforesaid wish to enter.

LIV. And be it further enacted, That whenever and so often as the said Company shall have lawfully broken up or removed the Stones, Ground, Soil, or Pavement in or of any Road, Street, Way, Lane, or other public Passage or Place, or any Part thereof, the said Company shall and they are hereby required immediately thereafter to reinstate and make good such Ground, Soil, or Pavement, in as good sound State or Condition as the same was or were in at the Time of being so broken up, to the Satisfaction of the Surveyor to the Commissioners or Trustees of such Pavement, Soil, or Ground respectively; and the said Company shall carry or cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby at their own Costs and Charges; and during the Time that such Works are carried on by the said Company, and such Ground, Soil, or Pavement is reinstated as aforesaid, the said Company shall provide proper Watchmen, with necessary Lights at Night, and otherwise guard the said Works, so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Company shall neglect and make default in making good and reinstating such Ground, Soil, or Pavement as aforesaid, or removing any Rubbish occasioned thereby, or in placing and setting up such Lights at Night, and otherwise guarding the said Works, so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case it shall be lawful for the said Commissioners or Trustees to reinstate and make good such Ground, Soil, or Pavement, and carry away all surplus Earth, Filth, and Rubbish occasioned thereby, and during the Time that such Works are carried on to provide proper Watchmen with necessary Lights at Night, and the Charges and Expences thereof shall be reimbursed and repaid by the said Company or their Treasurer to the said Commissioners or Trustees, or their respective Treasurers; and in default of Payment thereof within Fourteen Days next after Demand thereof in Writing shall have been made by the Clerk of the said Commissioners or Trustees, Proof of such Demand being made by the Oath of One credible Witness before One or more

Requiring
Company to
reinstate
Pavements,
&c. after
Pipes, &c.
have been
laid down.

more Justice or Justices of the Peace, all such Sum or Sums of Money so paid by them, 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, 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; and such Sum or Sums of Money shall be paid to the said Commissioners or Trustees, or their Treasurer.

Power to
alter Pipes.

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

Damage to be
made good.

LVI. Provided always, and be it further enacted, That if by the raising, sinking, or altering any of the said Pipes, Cocks, Syphons, Plugs, or Branches, any Damage or Injury shall be wilfully or negligently done to the same by the said Commissioners, Trustees, or their Servants, then and in every such Case such Damage or Injury shall be made good as soon as Circumstances will permit, and the Costs, Charges, and Expences thereof shall be paid by the said Commissioners or Trustees.

For prevent-
ing the Es-
cape of Gas.

LVII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company in pursuance of this Act, the said Company shall, at their own Expence, immediately after receiving Notice by Parol or in Writing

Writing of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not, within Twenty-four Hours next after such Notice by Parol or in Writing of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Twenty Shillings for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid and exhibited before some One or more Justice or Justices of the Peace for the said County of *Warwick* or *Stafford*, and shall and may be recovered and levied, with all reasonable Charges, by Distress of the Goods and Chattels of the said Company, by the Warrant of any Justice or Justices of the Peace as aforesaid, in manner hereinafter directed.

LVIII. And be it further enacted, That in case any Escape of Gas shall occur or take place in any Street, Road, Way, Lane, or other public Passage or Place in which the Mains and Pipes of the Company hereby incorporated, and also any Mains and Pipes of the *Birmingham Gas Light and Coke Company*, shall be laid and placed, and if, in order to discover from whence such Escape shall arise, either of the said Companies shall take up any Pavement, or do any other necessary Work to ascertain whether such Escape arises from their own Mains and Pipes, and it shall afterwards turn out that such Escape has taken place from a Main or Pipe or other Work belonging to the other of the said Companies, then and in such Case the said Company from whose Mains or Pipes such Escapes shall be proved to proceed shall pay to the said other Company all the Costs, Charges, and Expences which such other Company have necessarily incurred in Examination of their own Mains and Pipes for the Purpose of discovering such Escape as aforesaid; and in case such Costs, Charges, and Expences shall not be paid within Two Days after a Statement in Writing of the Amount thereof, signed by the Clerk of the Company claiming the same, shall have been left at the Office of the said other Company, then upon Proof of the Correctness of such Amount, upon the Oath of One or more credible Witness or Witnesses before One Justice of the Peace for the Counties of *Warwick* or *Stafford* (which Oath the said Justice is hereby empowered and required to administer), the same may be levied by Warrant of such Justice by Distress and Sale of the Goods, Chattels, and Effects of the Company from whose Mains and Pipes such Escape shall have been proved to have proceeded; and the Surplus arising from such Sale, after deducting the Amount of such Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be returned to the said last-mentioned Company: Provided nevertheless, that nothing herein contained shall extend to authorize either of the said Companies to interfere with the Mains and Pipes of the other of them.

For providing for the Expence incurred in discovering an Escape of Gas in certain Cases.

LIX. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Pipe to communicate with any Pipe
[Local.]

No Pipes of Communication to be laid belonging

without the
Consent of
the Company.

belonging to the said Company, nor fit or alter any of the Fittings of any Pipes or Lamps belonging to the said Company, without the Consent of the said Company in Writing first had and obtained, nor use Burners of a larger Dimension than he, she, or they shall contract to 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 and their Successors the Sum of Ten Shillings *per* 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 County, Place, or District where the said Offence shall be committed, and which Warrant such Justice or Justices is and are hereby empowered and required 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 forthwith be paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County, Place, or District, 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 be sooner paid and satisfied: Provided always nevertheless, that nothing herein contained shall extend to prevent any Person supplied with Gas by the said Company hereby established from discontinuing such Supply after having given Two Days Notice of his Desire to discontinue such Supply at the Office of the said Company, and the same shall not have been discontinued by the Officers of the said Company, but so as not to prejudice the Rights of the said Company under any Contract to any Rent or Payment.

Penalty for
damaging
Pipes, &c.

LX. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, or negligently do or commit, or cause to be done or committed, any Injury or Damage to any of the Mains or Service Pipes of the said Company, either by removing or disturbing the Ground or Soil wherein or whereon the same is or are laid or placed, or by the Compression or subsequent settling or lowering of the same at any Time or Times afterwards, or by any other Means whatsoever, or if any Person or Persons whomsoever shall wilfully or maliciously remove, destroy, damage, or injure any or any 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, or shall alter, exchange, or remove the Burners from the Pipes of Supply, 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 County, Place, or District where the said Offences shall be committed, shall for every separate Act or Offence forfeit and pay to the said Company and their Successors, or such other Person or Persons as aforesaid, any Sum not exceeding Forty Shillings and Three Times the Amount of the Damage to be done, as the same shall be ascertained by such Justice or Justices, 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) to the Owner of such Goods and Chattels, or such

such Offender shall and may be committed to the Common Gaol or House of Correction of the County, Place, or District where the Offence is committed for any Time not exceeding Three Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, or until such Forfeiture, Damage, and Costs shall be paid.

LXI. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, destroy, throw down, damage, or injure any Lamp or Lamps hung out, set up, or belonging to the said Company, or by any Person or Persons at his, her, or their private Expence, or any Pipe, Pillar, Pedestal, Post, Plug, or other Apparatus, Matter, or Thing belonging thereto or to the said Company, or carelessly or accidentally waste any of the Inflammable Air or Gas supplied by the said Company, or keep the Lights burning for a longer Time or in a different Manner than he, she, or they shall respectively contract to pay for, and shall not, upon Demand by the said Company, or their Clerk or Superintendent, or other Person or Persons authorized by them, make Satisfaction for the Damage done, or the Excess of Gas obtained and used, then and in every such Case it shall be lawful for any One or more Justice or Justices of the Peace for the County, Place, or District where the Offence shall be committed, and he or they is and are hereby required and empowered, upon Complaint to him or them made, to summon before him or them the Party or Parties against whom the Complaint shall be made, and upon hearing the Allegations and Proofs on both Sides, or on the Nonappearance of the Party or Parties so complained against, to award such Sum or Sums of Money by way of Satisfaction to the said Company, or to such other Person or Persons (as the Case may require), for such Damages or Excess, as such Justice or Justices shall think reasonable; and on Refusal or Neglect to pay any Sum or Sums of Money so awarded or directed to be paid within Ten Days after Demand, it shall be lawful for such Justice or Justices, or any One of them; and he or they is and are hereby required, to cause the same to be raised and levied in such and the like Manner as any Fine, Penalty, or Forfeiture is by this Act directed to be raised and levied.

In case of
accidentally
breaking
Lamps, &c.

LXII. And be it further enacted, That it shall be lawful for the said Company, with the Consent of the Commissioners, Trustees, or other Persons having the Controul, Superintendence, or Property of or in the Ground, Stones, Soil, or Pavement, to make such Sewers and Cuts, of such Breadth, Depth, and Dimensions, and in such Manner as they shall think expedient, under the public Roads, Streets, Ways, Lanes, and other public Passages and Places, 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 it shall not be lawful for the said Company, or any of their Servants, Officers, or Workmen, to carry or convey, or cause to be carried or conveyed, to or into any River 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.

LXIII. And be it further enacted, That if the said Company of Proprietors shall at any Time empty, drain, or convey, or cause or suffer to be

Penalty for
conveying
Washings
be

into any
River, &c.

be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Company of Proprietors so offending shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparance shall be allowed; and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been sued for or recovered or not), in case any of the said Washings or waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Company of Proprietors, and the said Company of Proprietors shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company of Proprietors shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any Act so done or committed.

LXIV. And

LXIV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Entry, or other Passage or Place within the Limits of this Act, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Entries, or other Passages or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down the said Gas Pipes the said Company shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds.

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

LXV. And be it further enacted, That whenever the Water of any Company of Proprietors for the supplying the Inhabitants of the Districts within the Limits of this Act with Water shall be contaminated by the Gas of the *Birmingham* and *Staffordshire* Gas Light Company, the said Company shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Company supplying Water as aforesaid; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said *Birmingham* and *Staffordshire* Gas Light Company shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Treasurer or other Officer of and for such Water Company as aforesaid, to be left at the usual Office or Place of transacting Business of the said *Birmingham* and *Staffordshire* Gas Light Company, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Pipes, or Works, or contaminating or affecting the Water of such Company as aforesaid; and in case the said *Birmingham* and *Staffordshire* Gas Light Company shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then the said *Birmingham* and *Staffordshire* Gas Light Company shall, on each and every Complaint, forfeit and pay to the Treasurer or other Officer for the Time being of such Water Company as

To prevent Escape and Contamination, &c. of Water.

aforesaid, for the Use and Benefit of the same Company, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said last-mentioned Company shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or other Officer for the Time being of the Water Company as aforesaid, or by and in the Name of any One or more of the Directors of the said Company, at the Option of the Parties prosecuting such Information against the said *Birmingham* and *Staffordshire* Gas Light Company, before any Justice of the Peace for the County wherein the Cause of Complaint shall arise, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said *Birmingham* and *Staffordshire* Gas Light Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer or other Officers for the Time being of such Water Company, for the Use of such Company.

For ascer-
taining if
such Water
be contami-
nated.

LXVI. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of the *Birmingham* and *Staffordshire* Gas Light Company; be it therefore further enacted, That in every such Case it shall be lawful for the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to dig to and about, and search and examine, the Mains, Pipes, Conduits, and Apparatus of the said *Birmingham* and *Staffordshire* Gas Light Company, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of such Company as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of such Gas as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said *Birmingham* and *Staffordshire* Gas Light Company; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said *Birmingham* and *Staffordshire* Gas Light Company, then and in such Case the said Company of Proprietors, or others the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said *Birmingham* and *Staffordshire* Gas Light Company any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said *Birmingham* and *Staffordshire* Gas Light Company in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

LXVII. Pro-

LXVII. Provided always, and be it further enacted, That the said Company shall and they are hereby directed and required to supply the public Roads, Streets, Ways, Lanes, and other public Passages and Places with Gas of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil Lamps; and whenever the said Company shall fail so to do the Power and Authority hereby given to the said Company further to break up the Soil or Pavement of any such Road, Street, Way, Lane, or other public Passage or Place within the Limits of this Act, where such Lamps shall be situated, shall from thenceforth during such Refusal cease and determine, and every Contract or Agreement which shall be entered into for lighting with Gas such public Lamps by the said Company shall contain a Clause or Covenant, providing that it shall be obligatory on the said Company that such public Lamps shall at all Times be better and cheaper lighted by the said Company than could be done by Oil Lamps.

Gas to be supplied cheaper than Oil.

LXVIII. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put up by the said Company for lighting the Roads, Streets, Ways, Lanes, and other public Passages and Places, under any Contract or Agreement with the said Commissioners or other Persons thereunto authorized, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Service Pipes to be kept fully charged with Gas.

LXIX. And be it further enacted, That in case any Body or Bodies, Commissioners, Trustees, or any other 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, either in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, Grounds or Premises, or otherwise, shall refuse or neglect, for the Space of Twenty-one 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 Superintendent, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Two of the Justices of the Peace for the County wherein the Offence shall arise (which Warrant such Justice is hereby empowered to grant upon Confession, or upon Proof of such Demand by the Oath of One credible Witness,) 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 refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted: Provided always, that if at the Time of such Distress being made any Rent shall be then due and in arrear to the Landlord of the Premises in which such Goods and Chattels shall be distrained, or any Part thereof, such Landlord shall have and be entitled to receive such or so much of the said Rent in arrear as the said Landlord would be legally entitled to receive in the Case of an Execution issued and levied under any Judgment entered up against the Tenant or Tenants, Occupier or Occupiers of the said Premises, in any of His Majesty's Courts of Record at *Westminster*.

Remedy for Recovery of Rents.

LXX. And

Recovery and
Application
of Penalties.

LXX. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and be recovered before any Justice of the Peace for the County wherein the Offence shall arise, upon Information and by the Oath of any Person or Persons, or on the Confession of the Party offending (which Oath such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and one Half 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 for such Distress and Sale being first deducted), shall be paid to the Informer, and the other Half 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 such sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid upon the Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no such sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, that he, she, or they hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, and Charges can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County wherein such Offence shall arise, for any Time not exceeding Three Calendar Months.

For securing
transient
Offenders.

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

LXXII. And

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

For the Conviction of Offenders.

to wit. } BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____ is [or are] convicted before me [or us, as the Case may be] of His Majesty's Justices of the Peace for the County of _____ by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled [here set forth 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 may be,] contrary to the said Act; and for which I [or we, as the Case shall be,] do adjudge the said _____ to have forfeited the Sum of _____ Given under my Hand and Seal [or, as the Case shall be, our Hands and Seals,] the Day and Year first above written.

Form of Conviction.

LXXIII. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Rule, Order, or Bye Law to be made by virtue of this Act, or any Alteration thereof, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be holden for the County wherein the Offence shall arise (the Person or Persons appealing having first given at least Ten Days Notice in Writing of such Appeal, and the Nature and Matter thereof, to the Person or Persons appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon); and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Order, Rule, Bye Law, 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 at such General or Quarter Sessions shall be binding, final, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Appeal to be made to the Quarter Sessions.

LXXIV. 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 some Justice of the Peace within Six Calendar Months next after such Offence committed (save and except as herein is excepted).

Proceedings to be within Six Calendar Months.

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

LXXV. 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 the Clerk of the said Company, or at any of the Offices of the said Company, or left at the last or usual Place of Abode of the Clerk to the said Company, and in case the Residence of the said Clerk be not known, then Service upon any Agent or other Officer employed by the said Company, or upon any Director of 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.

Distress not unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form.

LXXVII. Provided always, and be it further enacted, That no Order, Judgment, Conviction, or other Proceedings to be had, made, or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

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

LXXVIII. And be it further enacted, That nothing herein contained shall extend or be construed to prevent any Person or Persons from proceeding 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 Action 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.

For paying the Expences of this Act.

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

Appeal.

LXXX. Provided always, and be it further enacted, That in case the said Commissioners for paving, or any of the Trustees, or other Person or Persons having the Controul of or in whom the Property of any of the Streets, Highways, Roads, Ways, Lanes, Passages, and Places within the said Town of *Birmingham*, or any of the Parishes or Places aforesaid, shall be vested, shall refuse to give their Consent or Approbation for the Space of

Fourteen Days next after any Application in Writing shall be made to them by the said Company, or by any Person or Persons desirous of being supplied with Gas, for such Consent or Approbation as aforesaid to break up the Soil or Pavement of any of the said Streets, Highways, Roads, Ways, Lanes, Passages, and other Places, for the Purpose of laying down any Main or other Pipes for supplying Gas to any Person or Persons desirous of taking or being supplied therewith, such Refusal to be given in Writing, and to contain the Cause or Causes thereof, that then and in such Case it shall and may be lawful to and for the said Company, or any Person or Persons desirous of receiving such Gas Light into his, her, or their private Houses, Manufactories, and Premises, on giving Ten Days Notice in Writing of his, her, or their Intention to the said Commissioners, Trustees, or other Persons, as the Case may be, to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace, or of any Adjournments thereof, to be holden for the County or Place where the Cause of Appeal shall arise as aforesaid, such Appellant or Appellants, within Seven Days after such Notice as aforesaid, entering into a Recognizance before One of His Majesty's Justices of the Peace acting within the Jurisdiction aforesaid, with Two sufficient Sureties, in the Sum of Fifty Pounds, conditioned to try such Appeal, and to abide the Order of and pay such Costs as shall be awarded by such Justices at such General Quarter Sessions; and the said Justices respectively, upon due Proof of the said Notice of Appeal, and of entering into such Recognizance, shall hear and determine such Appeal, and shall and may confirm or quash or make void such Refusal to break up the said Pavements or Ground, and award such Costs to the Party appealing or appealed against, as they the said Justices shall think proper.

LXXXI. 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 by virtue of an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of Birmingham in the County of Warwick, and for regulating the Police and Markets of the said Town* (except so far as otherwise provided for by this Act).

Not to interfere with the Birmingham Street Act.

52 G. 3. c. 113.

LXXXII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, alter, defeat, obstruct, or abridge, or in any Manner interfere with the Rights, Interests, Property, Powers, Privileges, or Authorities of the Commissioners and their Successors appointed to carry into execution an Act passed in the Fifth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act for paving, lighting, watching, cleansing, widening, regulating, and otherwise improving the Town of Walsall and the Neighbourhood thereof within the Parish of Walsall in the County of Stafford*, nor the Powers and Authorities of the Mayor and Capital Burgesses, Justices of the Peace, and other Officers of and for the Borough and Foreign of *Walsall* in the said County of *Stafford*, and their Successors for the Time being; but all and every such Rights, Interests, Property, Powers, Privileges, and Authorities shall and may be exercised and enjoyed in as full and ample Manner, to all Intents and Purposes, as

Saving of Rights to Commissioners for paving the Town of Walsall.

5 G. 4. c. 58.

if

if this Act had not been passed, (except so far as otherwise provided for by this Act).

Not to interfere with the Lands, &c. of the Birmingham Canal Company without Consent.

LXXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to authorize the said Company and the said Commissioners, or either of them, to enter into or upon, or in any way whatever to touch or interfere with, any Lands, Buildings, Tenements, Hereditaments, Works, or other Things which now are belonging to the *Birmingham Canal Navigations*, without the express Consent in Writing of the Company of Proprietors of the said *Birmingham Canal Navigations*, under the Common Seal of the said last-mentioned Company of Proprietors.

Saving of Rights of the Birmingham Gas Company.

59 G. 3. c. 68.

LXXXIV. Provided also, 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 a certain Company of Proprietors, called "*The Birmingham Gas Light and Coke Company*," established by virtue of an Act of Parliament passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better supplying the Town of Birmingham in the County of Warwick with Gas*, except so far as otherwise provided for by this Act.

General Saving.

LXXXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, their respective Rights, Privileges, and Franchises, in such and the same Manner as if this Act had not been made; and that nothing in this Act contained shall extend or be construed to extend to interfere with, alter, lessen, or in any Manner affect the Rights, Powers, and Authorities heretofore given or granted to or vested in any Commissioners, Trustees, or other Persons having the Superintendence, Controul, or Management of any Street, Road, Highway, Bridge, or public Place, or of any Pavement, Ground, or Soil, or of or in any Street, Road, Highway, Bridge, or public Place.

Public Act.

LXXXVI. 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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