



ANNO QUINQUAGESIMO NONO

# GEORGI II. REGIS.

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## Cap. lxxviii.

An Act for better supplying the Town of *Birmingham*, in the County of *Warwick*, with Gas.

[14th June 1819.]

**W**HEREAS several Streets and Houses in the Town of *Birmingham* are now lighted, to the Satisfaction and Advantage of the Inhabitants thereof, and the Benefit of the Public, with Inflammable Air or Gas : And whereas *John Gostling* of *Birmingham* afore-said hath expended considerable Sums of Money in erecting Works and laying down Pipes in the said Town of *Birmingham*, and hath entered into Contracts for lighting some of the Streets in the said Town with the Commissioners appointed by virtue of an Act passed in the Fifty-second Year of the Reign of His present Majesty, 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 whereas the said *John Gostling*, together with the other Persons herein-after named, are desirous, at their own Costs and Charges, to compleat and extend the said Works ; but the same cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the 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 *Thomas Brewin, Joseph Butler, Josiah Corrie, John Freeth, Richard Gale, George Goodwin, John Gostling, William Gostling, Jesse Greaves, Thomas Hensman, Christopher Lawson, Thomas Mole, Thomas Pemberton, Thomas Pemberton junior, Philemon Price, Humphrey Pountney, Joseph Potts, William*

52 G. 3.  
c. cxiii.

Company in-  
corporated.

[Local.]

19 U

Robinson,



Their Style  
and Powers.

*Robinson, Thomas Green Simcox, Henry Slater, Edward Smith, William Hawkes Smith, Samuel Thomas, Thomas Tyndall, John Woodhill, and all and every such other Person or Persons as from Time to Time shall become a Subscriber or Subscribers, or be duly admitted Members into their Company, and their respective Successors, Executors, Administrators and Assigns, shall be and they are hereby declared to be one Body Politic and Corporate, by the Name of The Birmingham Gas Light and Coke Company; and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm; and that the said Company of Proprietors shall be established for the Purpose of lighting the said Town of Birmingham with Gas.*

Power to  
contract with  
Commissioners  
for lighting  
the Town  
with Gas.

II. And be it further enacted, That it shall be lawful for the said Company from Time to Time to enter into and make any Contracts, or to agree with the said Commissioners, for lighting the said Town or any Part or Parts thereof with Gas, and for laying down Pipes, erecting Posts, and fixing Lamps at such Places and in such Manner, and subject to such Penalties, Rules, and Regulations, as the said Commissioners shall deem necessary and expedient; and such Contracts shall and may be entered into for any Term or Number of Years not exceeding Fourteen Years, any thing in the said Act to the contrary thereof notwithstanding: Provided always, that the respective Service Pipes to be provided for lighting the said Town, or Part or Parts thereof, shall be of a Diameter not less than Half an Inch in the Bore, with proper Burners for using such Inflammable Air or Gas as aforesaid, and that the said Service Pipes respectively shall be kept fully and sufficiently charged with such Inflammable Air or Gas, so that the said Town, or Part or Parts thereof, shall be fully and effectually lighted with Gas as aforesaid.

Contracts to  
be void, if  
the Price of  
Gas be  
greater than  
Oil.

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

Proprietors  
of the Com-  
pany being  
Commissioners,  
not to  
vote on Questions  
in  
which the  
Company are  
interested.

V. And be it further enacted, That the being a Proprietor, or holding any Share or having any Interest in the said Company, shall not disqualify any Person from being a Commissioner under the said Act; 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 lighting of any of the Streets, Lanes, Ways, Public Passages and Places within the said Town; and every such Proprietor, being a Commissioner, voting upon any such Question,



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 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.

V. And be it further enacted, That it shall be lawful for the said Company to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, or Corporation or Corporations Aggregate or Sole, for the lighting of any Houses, Shops, Inns, Taverns, Manufactories, Places of public Exhibition, or other Buildings or private Grounds or Places, with Gas; and also to sell and dispose of the Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor and essential Oil, and any other Products to arise in obtaining the said Gas, in such Manner as they may think proper.

Power to contract for lighting private Houses, &c.

VI. Provided always, and it is hereby agreed and declared, That all the Contracts which have been entered into by the said *John Gostling* for lighting with Gas any Streets, Ways, Lanes, Passages, Manufactories, Warehouses, private Houses, and Places of public Exhibition at *Birmingham* aforesaid, shall be binding on the said Company, and may be enforced against and by them in the same Manner, to all Intents and Purposes, as if this Act had been passed before the making of such Contracts, and the said Company had been Party thereto instead of the said *John Gostling*.

Previous Contracts to be binding on the Company.

VII. And be it further enacted, That it shall be lawful for the said Company and their Successors, and they are hereby authorized and empowered, 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, Watercourses, 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, within 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, by the said Company by virtue of this Act, in, to, or through any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same,

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



same, or 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 and ascertaining the Extent of such Supply, and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged in such Dwelling House or Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things as the said Company and their Successors shall from Time to Time think necessary and convenient for completing, amending, repairing, improving, supplying, and using the same, provided 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 Buildings, Hereditaments, and Premises, for any of the Purposes of this Act, without the previous Consent in Writing of the Owner and Occupier 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.

Workmen in  
laying Pipes  
to make good  
the Pavement.

VIII. And be it further enacted, That the Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Syphons, or Branches, or other Works, shall forthwith fill in the Trenches and make good the Pavements and Roads, and remove, take, and carry away the Rubbish, Soil, and Materials occasioned thereby, and repair any Damage arising from any Drains, Sewers, or Cuts which may be made for the Purposes of this Act, without any Delay, and shall in the meantime fence or guard, and light by Night and all Night, the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided always, that if there shall be any Delay in filling in any such Ground, or removing the Rubbish, Soil, or Materials, or making good any such Pavements or Roads, or in well and sufficiently guarding and lighting the same as aforesaid, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any other Person or Persons acting by or under their Authority, to fill in such Ground, and remove such Rubbish, Soil, and Materials, and to repair and make good the Pavement of any Street, Highway, Way, Lane, Passage, or Place so broken up as aforesaid, and to guard and light the same; and that the reasonable Costs and Charges thereof shall be paid by the said Company of Proprietors or their Treasurer, who shall pay the Penalty or Sum of Five Pounds for every such Neglect as aforesaid; and in case the said Company shall neglect or refuse to pay the same on Demand by the said Commissioners or their Surveyor, or other Person as aforesaid (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 County of *Warwick*), all such Costs and Charges, together with the said Penalty or Sum of Five Pounds, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace of the said County of *Warwick*, and which Warrant such Justice or Justices is and are hereby required and empowered to grant; and such Costs, Charges, and Penalties shall be paid to the said Commissioners.

Provision in  
case of De-  
fault.



missioners or their Treasurer, to be applied for the Purposes of the said Act.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to defeat, abridge, alter, obstruct, or in any Manner interfere with the Powers and Authorities of the Commissioners appointed or elected by virtue of the said Act.

Powers of Commissioners not to be obstructed.

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

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

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

Remedy for Recovery of Rents.



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*.

Penalty for  
damaging  
Pipes, &c.

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

Power to  
contract for  
the Purchase  
of Lands and  
Buildings.

XIII. And be it further enacted, That for the Purposes of this Act it shall be lawful for the said Company, or their Committee of Management, and they are hereby empowered, to purchase the Buildings, Pipes, and Works belonging to the said *John Gostling*, and also from Time to Time to treat, contract, and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within or near the said Town of *Birmingham*, (not exceeding Three Acres in the Whole), with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life or in Fee Tail, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, who are or shall be seized, possessed of, or interested in their own Right, or with any Person or Persons whomsoever who shall be willing to sell the same, or his, her, or their Right and Interest in the same, for the Uses and Purposes of this Act; and upon Payment of the Purchase Money for any such Lands, Tenements, or Hereditaments to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in Manner by this Act directed (as the Case may be), such Lands, Tenements, and Hereditaments may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title, Claim, or Reversion to such Lands, Tenements, or Hereditaments, and the same Lands, Tenements, and Hereditaments shall vest in the *Birmingham Gas Light and Coke Company*, and it shall be lawful to and for the said Company to hold such Lands, Tenements, and Hereditaments, and any Term, Right, and Interest therein so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever; and in all Actions, Suits, Prosecutions, Indictments, Informations,

or



or other Proceedings to be brought, commenced, or prosecuted by or against the said Company, it shall be sufficient to state generally that such Lands, Tenements, or Hereditaments are the Property of the *Birmingham Gas Light and Coke Company*, without stating or being obliged to state the Names or Name of the Whole, or of any or either of the Members of the said Company.

XIV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femes Covert who are or shall be seized, possessed of, or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seized, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Company to be purchased from Time to Time for the Uses and Purposes of this Act, to treat, contract, and agree with the said Company for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Company, for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue and 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 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 Dowers of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or common Recoveries would do if levied or suffered by the proper Parties in due Form of Law, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons, is and are and shall be hereby indemnified for what he, she, and they shall do by virtue and in pursuance of this Act.

Bodies Politic, &c. empowered to sell.

XV. And be it further enacted, That if there shall be any Money to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons

Application of Compensation when exceeding 200l.



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

Application when Money does not amount to 200l. and shall exceed 20l.

XVI. Provided always, and be it further enacted, That if any Money to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiocy, or Lunacy, (to be signified in Writing under their respective Hands) be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid,



said, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be named by the Person or Persons making such Option, and approved by Three or more of the said Committee of Management, (such Nomination and Approbation to be signified by Writing under the Hands of the nominating or approving Parties), in order that such Principal Money and the Dividends to arise thereon may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

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

Application of Purchase Money not exceeding 20l.

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

In case of questionable Title to the Money, Persons in Possession of the Lands to be deemed entitled thereto until the contrary shall be shewn.

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

Expences of Purchases may be allowed by the Court.



said Court shall deem reasonable, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

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

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

Form of Conveyance.

‘ I [*or we, as the Case may be*] of \_\_\_\_\_ in  
 ‘ Consideration of the Sum of \_\_\_\_\_ to me  
 ‘ [*or us, or for my, or our Use*] paid by the Company established under  
 ‘ or by virtue of an Act passed in the Fifty-ninth Year of the Reign of  
 ‘ King *George* the Third, intituled *An Act* [*here insert the Title of this Act*]  
 ‘ do hereby grant and release [*or assign, as the Case may be*] to the said  
 ‘ Company of Proprietors and their Successors, all [*here describe the Pre-*  
 ‘ *misses 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 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 \_\_\_\_\_

Re-sale of Lands not wanted.

XXII. And whereas the said Company, under the Provisions of this Act, may purchase Lands, Tenements, or Hereditaments which may be found inconvenient, or not necessary, or not wanted for the Purposes thereof; be it therefore further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, and by Indenture or Indentures under their Common Seal to grant and convey, by way of absolute Sale in Fee Simple, for a Consideration in Money, all or any Part or Parts of the Lands, Tenements, and Hereditaments which may have been so purchased, and which shall be inconvenient or shall not be wanted for the Purposes of this Act, and to purchase other Lands, Tenements, and Hereditaments in lieu thereof, by virtue of the Powers herein-before contained; 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 Re-

ceipts



céipts shall be sufficient Discharges to any Person or Persons for the Money therein and thereby expressed or acknowledged to be received, and such Person or Persons having *bonâ fide* paid the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

XXIII. And be it further enacted, That the Capital or Joint Stock of the said Company, to be applied and used in establishing and carrying on the Undertaking and the Purposes aforesaid, shall be the Sum of Thirty-two thousand Pounds, and may be enlarged as herein-after is mentioned.

Stock to be raised not to exceed 32,000*l.*

XXIV. Provided always, and it is hereby enacted, That the said Company shall not be authorized to exercise any of the Powers granted under this Act until such Time as the said Sum of Thirty-two thousand Pounds shall have been subscribed.

The Whole thereof to be subscribed before any Powers of Act are exercised.

XXV. And be it further enacted, That all and every Persons and Person by or for whom any Subscription shall be made or accepted, or any Payment made pursuant to the Orders of any General Meeting or Meetings to be held as herein-after is mentioned, for or towards the raising the said Capital Sum of Thirty-two thousand Pounds as aforesaid, his, her, or their Executors, Administrators, or Assigns respectively, shall have and be entitled to a Share of and in the said Capital Joint Stock of the said Company, in proportion to the Monies to which he, she, or they shall have so contributed towards making up the same, and to a proportional Share of the Profits and Advantages attending the Capital Stock of the said Company, and shall be admitted to be a Member or Members of the same.

Subscribers to share in the Joint Stock according to their Subscription.

XXVI. Provided always, and it is hereby enacted, That the several Members of the said Company shall respectively stand responsible and answerable for all just Debts and Demands of the Creditors of the said Company to the full Amount of their several and respective Shares in the Capital of the said Joint Stock, but shall not be any further or otherwise liable, either personally or in their several and respective Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, for any Undertakings, Engagements, Contracts, or Agreements entered into by the said Company, or be subject or liable, by reason of his or their being Members of the said Company, or of any Acts of the said Company, to the Statutes respecting Bankrupts, or any of them.

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

XXVII. And be it further enacted, That the said Sum of Thirty-two thousand Pounds shall be divided into Shares of Fifty Pounds Sterling each; and that no Person or Persons shall be a Subscriber or Subscribers for a less Sum than Fifty Pounds Sterling.

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

XXVIII. And be it further enacted, That all Shares in the Joint Stock and Undertaking of the said Company, and in the Net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Estate, and shall be transmissible accordingly.

and to be Personal Estate.

XXIX. And be it further enacted, That there shall be elected from Time to Time as herein-after is mentioned, from among the Members of the said Company who shall have subscribed for or be possessed of at least

Officers of the Company.

Five



Five Shares in the Joint Stock of the said Company, Nine Persons who shall and are hereby declared to be the Committee of Management for managing the Affairs of the said Company, and One of such Committee shall afterwards be elected the Chairman of the said Company, and another of them the Deputy Chairman of the said Company; and that no Person who shall not be possessed of Five Shares in the Joint Stock of the said Company at the Time of the passing of this Act, shall be eligible to be one of such Committee until he shall have continued possessed of Five such Shares for the Space of Six Calendar Months.

Regulations  
of the Com-  
pany as to  
General  
Meetings.

XXX. And be it further enacted, That the Affairs and Concerns of the said Company shall be conducted and managed under and subject to the several Rules, Regulations, and Restrictions herein-after contained; (that is to say,) the Members of the said Company shall assemble together at Eleven o'Clock in the Forenoon on the Seventh Day next after the passing of this Act, and shall assemble at such other Times and Places as they shall be duly convened in Manner hereafter mentioned; and every such Assembly shall be styled a General Meeting, and Two such Meetings shall be held in every Year, on the Third *Thursday* in the Month of *January* and the Third *Thursday* in the Month of *July*, which shall be styled Half-yearly General Meetings; and that a Special General Meeting may be called at any Time by the Committee of Management; and that Five or more Members of the said Company, holding in the aggregate Fifty Shares or upwards in the said Joint Stock, may at any Time, by Writing under their Hands, left at the Office of the said Company, require the Committee of Management to call a Special General Meeting, so as such Requisition fully express the Object for which such Meeting is required to be called; and in case of the Neglect or Refusal of the said Committee to call such Meeting, the same may be called by the said Members as herein-after is expressed; and that every General Meeting may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and that at least Six Days previous Notice of every General Meeting, and Three Days previous Notice of every Adjournment of any General Meeting, shall be given by Advertisement in One or more Newspapers published in the said Town of *Birmingham* or County of *Warwick*.

Proprietors  
to vote ac-  
cording to  
the Number  
of their  
Shares.

XXXI. And be it further enacted, That no Member of the said Company shall be entitled to be present, or to vote at any General Meeting, or Adjournment thereof, unless he shall have subscribed for at least Three Shares in the Joint Stock of the said Company at the Time of the passing of this Act, or unless he shall afterwards have been entitled to or continued possessed of at least Three Shares in the said Joint Stock for at least Three Calendar Months before such Meeting; and that such Members of the said Company shall have a Vote or Votes at such General Meetings in proportion to the Number of Shares held by them respectively as herein-after is mentioned; (that is to say), for Three Shares and less than Seven Shares, One Vote; for Seven Shares and less than Twelve Shares, Two Votes; for Twelve Shares and less than Twenty Shares, Three Votes; for Twenty Shares and less than Thirty Shares, Four Votes; and for Thirty Shares or upwards, Five Votes; but no Person or Persons shall be entitled to vote in respect of any Share or Shares after a Day appointed for Payment of any Instalment thereof, to be called for as herein-after is mentioned, until such Instalment or Call shall have been paid; and that no Person or Persons shall vote at any General Meeting upon any Question  
or







so entered and signed, shall be allowed to be read in Evidence in all Courts and Places whatsoever; and that no Business shall be transacted at any Special General Meeting besides the Business for which it shall have been called, and no other Business shall be transacted at any adjourned Special General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place; and if at any Special or General Meeting Seven Members entitled to vote shall not assemble and proceed to Business in One Hour from the Time appointed for such Meeting, or if that Number be not present when the Whole or any Part of the Business to be transacted shall be decided upon, the Meeting shall adjourn to the same Day in the following Week, or some other Day to be appointed by the Committee of Management.

First Meeting to elect Managers, Chairman, and Deputy Chairman.

XXXV. And be it further enacted, That at the First General Meeting to be holden on the Seventh Day next after the passing of this Act, or some Adjournment thereof, the First Committee of Management of the said Company, and the First Chairman and Deputy Chairman of the said Company, shall be elected.

The Half-yearly Meeting in January to elect Managers, the Chairman and Deputy Chairman.

XXXVI. And be it further enacted, That at the Half-yearly General Meeting to be held in *January* in every Year, or some Adjournment thereof, Three Members of the Company, qualified as aforesaid, who shall have been Members of the Committee elected in the preceding Year, shall be re-elected Members of the Committee of Management; and as soon as such Election shall have been made, Six other Members of the said Company, qualified as aforesaid, shall be elected Members of the said Committee; and after such Committee shall have been elected, Two of the Members thereof shall be elected Chairman and Deputy Chairman of the said Company for the ensuing Year; but all the Members of the said Committee, and the Chairman and Deputy Chairman elected in the preceding Year, shall be immediately re-eligible; and after such Elections as aforesaid shall have taken place, the said Officers respectively who shall not be re-elected, shall respectively go out of their respective Offices.

The Offices may be vacated, and are to be supplied by General Meetings.

XXXVII. And be it further enacted, That any Chairman, Deputy Chairman, or other Member of the said Committee of Management, may at any Time be removed from his respective Office by a General Meeting specially called for that Purpose, and any Chairman, Deputy Chairman, or other Member of the said Committee, may at any Time vacate his Office by sending his Resignation in Writing to the Office of the said Company; and in case any Chairman, Deputy Chairman, or other Member of the said Committee, shall during the Continuance of his respective Office, by Transfer, Forfeiture, or otherwise, reduce the Number of Shares in the said Joint Stock held by him respectively below the Number of Five Shares, or shall become incapable to act as a Member of the said Committee, then and in every such Case the Office of such Chairman, Deputy Chairman, or other Member of the said Committee, shall instantly determine and become vacant; and that every Vacancy in the Offices of Chairman, Deputy Chairman, and Members of the Committee, by Death, Removal, Resignation, or becoming ineligible or incapable to act, shall be filled up at a Special General Meeting to be called for that Purpose, within Fourteen Days next after such Office respectively shall become vacant; and every Person, who in consequence of a Vacancy occasioned by any other Cause than that of going out of Office according



to the Rotation aforesaid, shall be appointed Chairman, Deputy Chairman, or a Member of the said Committee, shall be deemed only a Substitute for the Person whose Place he shall supply, and shall continue in Office upon the same Terms, and only for the same Period, as the Person whose Place he shall supply would have continued, if his Office had not been vacated before the Time at which he must necessarily have gone out of Office.

XXXVIII. And be it further enacted, That any General Meeting or General Meetings, specially called for that Purpose, shall have full Power to call for and examine and settle the Accounts of the said Company; and that at every Half-yearly General Meeting, or some Adjournment thereof, an Half-yearly Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said Undertaking, unless such Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much for every Fifty Pounds upon all and every the Sum and Sums of Money paid to the said Company by the Members thereof, their Executors, Administrators, Successors, or Assigns, as such Meeting or Meetings shall think fit to appoint and determine: Provided that no Dividend shall be made or paid for, until after the Sum of Thirty-two thousand Pounds shall have been subscribed for or towards the Capital or Joint Stock of the said Company; and that no Dividend shall 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: Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired; and that the Chairman, Deputy Chairman, and Committee of Management, who shall make such Dividends, shall be personally responsible to the Proprietors, and also to the Creditors of the said Company, for any Injury which may arise therefrom.

General Meeting to settle Accounts, and Half-yearly Meetings to declare Dividends.

XXXIX. And be it further enacted, That any Half-yearly General Meeting, or Special General Meeting to be called for that Purpose, or Adjournment thereof respectively, shall have full Power to make such Call or Calls for Money from the several Subscribers and Proprietors of the said Undertaking, their Executors, Administrators, Successors, and Assigns, as such Meeting shall from Time to Time find wanting and necessary for the Purposes of the Undertaking, so that no One such Call do exceed the Sum of Ten Pounds for or in respect of any One Share of Fifty Pounds, and so that no Call or Calls be made but at the Distance of One Calendar Month at least from another; and that the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer to the said Company, and that the said several Sums of Money so called for shall be paid at such Time and Place as shall be appointed by such General Meeting, of which Time and Place Thirty Days previous Notice at least shall be given in One or more Newspapers published in the said Town of *Birmingham* or County of *Warwick*.

General Meetings may make Calls on Subscribers.

XL. And be it further enacted, That in case it shall appear to any Half-yearly General Meeting, or Special General Meeting to be called for that Purpose respectively, that the aforesaid Sum of Thirty-two thousand Pounds shall be insufficient for making, completing, and maintaining the said Undertaking hereby authorized to be made, and defraying all necessary Charges relating thereto, then and in such Case any further or other Sum or Sums of Money which such Meeting shall think necessary,

General Meeting may raise a further Sum of Money in addition to the Capital, by Subscription.

not



not exceeding the Sum of Thirty thousand Pounds, shall be raised by the said Company, and may be subscribed for and contributed among themselves in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers; and every Subscriber towards raising such further Sum of Money shall be a Proprietor in the said Undertaking, and shall have a like Vote for himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum he, she, or they shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for or raised had been originally Part of the said Sum of Thirty-two thousand Pounds; any thing herein contained to the contrary hereof in anywise notwithstanding.

Power of General Meetings to make Bye-laws.

XLI. And be it further enacted, That the General Meetings shall have full Power to superintend, regulate, and control all the Affairs and Concerns of the said Company, and shall have full Power and Authority from Time to Time to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Undertaking, and for regulating the Proceedings of the Committee of Management, and for the Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said General Meeting shall seem meet and expedient; and all Rules, Orders, and Bye Laws so made as aforesaid, being reduced into Writing, and the Common Seal of the said Company thereto affixed, shall be printed, and be binding upon all Persons, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or any of the express Directions or Provisions of this Act: Provided also, that all such Rules, Orders, and Bye Laws shall be subject to Appeal in Manner by this Act directed.

Regulations concerning Meetings of the Committee.

XLII. And be it further enacted, That the Committee of Management of the said Company shall meet together at the Office of the said Company, One Day in every Week at the least, and at such other Times as they shall think proper; and any Two of the said Committee may at any Time call a Meeting of the said Committee, by Notice in Writing sent to the Residence of every Member of the said Committee, when they shall think fit; but no Business shall be transacted at any Meeting of the said Committee, unless Five Members be present when such Business shall be decided upon; and that the Chair shall be taken at every Committee by the Chairman, or in his Absence by the Deputy Chairman, or in their Absence, by a Member to be chosen by the Members present; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by them, shall be decided and determined by the Majority in Number of the Members then present, and in case of an equal Division, the Member for the Time being in the Chair shall have the casting Vote besides his own Vote; and that if on the Day appointed for any Meeting of



of the said Committee Five Members shall not attend, that then and in every such Case the Meeting shall be adjourned to the next Day by the Members or Member then present, or if none be present, by the Secretary or Clerk to the said Company, or such other Person as shall attend in his Place; and the Proceedings of every Committee shall be entered in a Book to be kept by the Secretary or Clerk for that Purpose, and signed by the Person in the Chair.

XLIII. And be it further enacted, That the Committee of Management shall and may call a Special General Meeting of the said Company for any Purpose they may think proper, and shall appoint the Time and Place of holding every General Meeting, and shall give at least Six Days Notice of every General Meeting, by Advertisement in One or more Newspapers published in the said Town of *Birmingham* or County of *Warwick*, and shall give Three Days such Notice of every adjourned General Meeting, and such Notice shall be given for every Special Meeting which shall be required to be held by Five or more Members, holding in the Aggregate Fifty Shares or upwards, within Six Days next after such Requisition shall have been given; and shall cause a Special General Meeting to be called within Fourteen Days next after any Vacancy shall happen in the Offices of Chairman, Deputy Chairman, or Member of the Committee, and shall cause to be expressed in the Notices of every Special and adjourned General Meeting the Objects for which such Meetings respectively are to be held.

Powers and Duties of Committee as to calling General Meeting.

XLIV. And be it further enacted, That in case the Committee of Management for the Time being shall refuse or neglect for the Space of Six Days to comply with any such Requisition, then and in such Case it shall be lawful for the Members who shall have signed the same to call a Special Meeting of the Company, by Advertisement in One or more Newspapers published in the said Town of *Birmingham* or County of *Warwick*, specifying the Place where and the Time when such Meeting is to be held, the Time not being less than Six Days after such Notice, and the Place being somewhere in the said Town of *Birmingham*, and likewise specifying in such Notice the Reason for and Intention of calling such Special Meeting; and the Members are hereby authorized to meet pursuant to such Notice, and take into Consideration the Matter or Matters to be submitted to them by Persons calling such Special Meeting, and specified in such Notice; and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give, respecting such Matter or Matters, shall be as valid, to all Intents and Purposes, as if the same had been made at a General Meeting of the said Company of Proprietors.

Special General Meetings of the Company may be convened by Members on Neglect of Committee.

XLV. And be it further enacted, That the Committee of Management shall appoint the Treasurer, Clerks, Officers, Servants and Workmen, and Tradesmen of the said Company, and dismiss, remove, and suspend them as they shall think fit, and may require such Security from the Treasurer, Clerks, and Officers of the said Company, as they shall think necessary.

Power to the Committee to appoint Clerks.

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

Same Person not to act as Clerk and Treasurer.



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

General  
Powers of  
Committee,  
&c.

XLVII. And be it further enacted, That the Committee of Management for the Time being shall have the Custody of the Common Seal of the said Company, and shall have Power and Authority to direct the Affairs and Business of the said Undertaking, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out or disposed of for the Purposes of the same, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods, and Chattels for the Use of the said Undertaking, and entering into Contracts for the lighting of any such Parishes, Places, Streets, Roads, Ways, Houses or Buildings and Premises as aforesaid, and in ordering, directing, and employing the Works and Workmen, and in selling and disposing of all Articles produced by such Manufacture of Air or Gas as aforesaid, and in making all Contracts or 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.

Treasurer  
not to issue  
Money with-  
out an Order  
signed by  
Three of the  
Committee.

XLVIII. 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 in Writing, signed by Three or more Members of the said Committee; and that the Receipts of the said Treasurer for all Monies payable to him on account of the said Company shall be effectual Discharges for the same.

To compel  
Payment of  
Subscription.

XLIX. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe or advance any Money for and towards carrying on the Works hereby authorized to be made, or hold any Share or Shares in the said Concern, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Portions thereof as shall from Time to Time be called for by any General Meeting, under and by virtue and Direction of this Act, at such Times and Places as shall be directed by a General Meeting in Manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity, with lawful Interest for the same from the appointed Time of Payment.

In default of  
Payment of  
Calls, Shares

L. And be it further enacted, That if any Subscriber or Proprietor of any Share or Shares in the said Undertaking, his, her, or their Execu-  
tor



tors, 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 any General Meeting as aforesaid, by the Time appointed for Payment thereof, 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 Share, Part, 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 that all Shares which shall or 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 said Company; but that no Advantage shall be taken of such Forfeiture of any Share in the said Undertaking as aforesaid, until after Thirty Days Notice shall be given by the Chairman or Deputy Chairman of the said Company to the Owner or Owners thereof, by Notice in Writing left at his, her, or their usual or last Place of Abode; and that every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Subscriber or Subscribers, Proprietor or Proprietors, or their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Subscriber or Subscribers, Proprietor or Proprietors, his, her, or their Executors, Administrators, and Assigns.

to be forfeited;

but Notice to be given.

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

Executors, &c. indemnified in paying Calls.

LII. And in order that where the original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become Insolvent or Bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of the said Company to know who is the Owner or Proprietor of such Share or Shares, in order to give him, her, or them, their Executors, Administrators, Successors, and Assigns, Notice or Notices of Calls to be made on such Share or Shares, and to maintain any Action or Actions against him, her, or them, their Executors, Administrators, Successors, and Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, her, or them, their Executors, Administrators, Successors, and Assigns, the Interest and Dividends to which he, she, or they may be entitled by virtue thereof; be it therefore further enacted,

For ascertaining the Proprietorship of Shares in certain Cases.



enacted, That in all the Cases aforesaid, where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified, an Affidavit shall be made and sworn to by Two credible Persons before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, their Executors, Administrators, Successors, and Assigns, and that such Affidavit shall be transmitted 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 to the said Undertaking, to be kept in the Office of the Clerk to the said Company ; and that in all or any of the said Cases it shall be lawful for the Subscribers and Proprietors at any General Meeting (after Thirty Days Notice shall have been given by the said Treasurer or Clerk to the Owners or Persons claiming by such Affidavit to be Owner or Owners thereof, and that such Person or Persons, their Executors, Administrators, Successors, and Assigns, shall not have paid his, her, or their Portion of the Money becoming payable by virtue of any Call or Calls, and after Notice thereof shall have been given Three Times, at the Intervals of Seven Days at least between each Advertisement, in some One or more Newspapers) to declare at any General Meeting the same Share or Shares to be forfeited, and that in such Case the same shall be and become forfeited, and be sold and disposed of in such Manner as the said Members at any Meeting or Meetings shall direct, or otherwise become consolidated in the General Fund of the said Company.

Shares may be transferred.

LIII. And be it further enacted, That it shall be lawful for the several Members 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 be in the Form and to the Effect following ; (that is to say),

Form of Transfer of Shares.

‘ I of \_\_\_\_\_ of \_\_\_\_\_ in consideration  
 ‘ \_\_\_\_\_ paid to me by \_\_\_\_\_ of \_\_\_\_\_  
 ‘ do hereby bargain, sell, and transfer to the said  
 ‘ the Sum of \_\_\_\_\_ Capital Stock of and in the  
 ‘ Undertaking called The *Birmingham* Gas Light and Coke Company,  
 ‘ being my Share [*or* Shares], Number \_\_\_\_\_ ( \_\_\_\_\_ Pounds) in  
 ‘ the said Undertaking ; to hold to the said \_\_\_\_\_ Executors,  
 ‘ Administrators, and Assigns, subject to the same Rules, Orders, and  
 ‘ Restrictions, and on the same Conditions, that I held the same imme-  
 ‘ diately before the Execution hereof ; and I the said \_\_\_\_\_ do  
 ‘ hereby agree to accept and take the said \_\_\_\_\_ Share,  
 ‘ subject to the same Rules, Orders, Restrictions, and Conditions. As  
 ‘ witness our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of our Lord \_\_\_\_\_ .’

Transfer to be registered.

And that every such Transfer shall be registered in the Books of the said Company, and a Copy of such Register, signed by the Clerk or other Officer of the said Company duly authorized thereto, shall be sufficient Evidence of every such Sale, and received as such in all Trials before any Court in the United Kingdom ; and that until such Transfer shall be registered in the Books of the said Company as aforesaid, no Purchaser or Purchasers



Purchasers of any Share or Shares, their Executors, Administrators, Successors and Assigns, shall have any Part or Share in the said Undertaking, or in the Profits and Advantages thereof, nor shall receive any Interest or Dividends for or in respect of such Share or Shares so purchased, nor be entitled to vote at any Meeting or Meetings as Member or Members of the said Undertaking in respect of such Share or Shares, until the Expiration of Three Calendar Months after such Transfer shall have been registered.

LIV. 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 the Payment of the said Call, until the Money so called for or in respect of his, her, or their Shares intended to be sold shall be paid, and until such Money so called for shall be paid any such Sale or Transfer of any Share or Shares shall be void, and all and every Person or Persons making Default herein shall be subject and liable to forfeit such his, her, or their Share or Shares in the said Undertaking, to and for the general Benefit of the said Undertaking, unless he, she, or they shall at the Time of such Sale or 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.

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

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

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

LVI. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any other Person or Persons whatsoever, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Three Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the said County of *Warwick*, the Person or Persons appealing having first given at least Twenty-one clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Company, and forthwith after

Appeal may be made to Quarter Sessions.

[*Local.*]

20 B

such



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

For compelling the Attendance of Witnesses, and respecting Service of Notices.

LVII. And be it further enacted, That if any Person or Persons shall be summoned in Manner aforesaid as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on Behalf of the Prosecutor or on Behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time, at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing, or appearing shall refuse to be examined upon Oath, or in case of a Quaker or Quakers, on solemn Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer), and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, provided a reasonable Sum shall have been paid or tendered to such Person for Attendance as a Witness; and that in all Cases of Notices and Summonses by this Act directed or required to be given or served, which shall or may be necessary for carrying into Execution any of the Powers of this Act, the Service of any such Notices or Summonses, either on the Person or Persons to whom the same ought to be given, or leaving the same; or a true Copy thereof, at his, her, or their Dwelling House or usual or last Place of Abode, shall be good and sufficient Service of any and every such Notices.

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

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

Affirmation instead of Oath.

LIX. Provided always, and be it further enacted, That the Affirmation or Affirmations of the People called *Quakers* shall be allowed of and taken in all Cases where any Oath or Oaths is or are directed to be taken by



by this Act, instead of such Oath or Oaths, and shall be administered by the same Person or Persons as such Oath or Oaths is or are to be administered.

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

Persons giving false Evidence to be punished.

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

Persons not liable to Penalties inflicted by this Act, unless Information lodged within Ten Days.

LXII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace for the County of *Warwick* aforesaid, in a summary Way, and who is hereby authorized and empowered to convict the Offender or Offenders, upon Information, by the Oath of any Person or Persons, or on the Confession of the Party offending (which Oath such Justice is hereby authorized to administer); and that in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and One Moiety of the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being first deducted, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Parish wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the House of Correction for the County of *Warwick*, for any Time not exceeding Three Calendar Months.

Recovery and Application of Penalties.

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

Town of *Birmingham*, [or  
 County of *Warwick*, as  
 the Case may be] to wit. } **BE** it remembered, That on the  
 Day of \_\_\_\_\_ in the Year of our  
 Lord One thousand eight hundred and \_\_\_\_\_  
 is [or are] convicted before me [or us, as the Case shall be]  
 of His Majesty's Justices of the Peace for the  
 County of *Warwick*, by virtue of an Act of Parliament passed in the  
 Fifty-ninth Year of the Reign of King *George* the Third, intituled  
 [here insert the Title of this Act] of having [specifying the Offence, and  
 the Time and Place when and where the same was committed, as the Case  
 shall

Form of Conviction.



‘ shall 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 our Hands  
 ‘ and Seals, as the Case shall be] the Day and Year first above written.’

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

LXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Company, or against any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or the Method which shall be employed by them for furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Company, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any 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.

Turnpike  
 Roads not to  
 be broken up  
 without Con-  
 sent.

LXV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company to break up the Soil, Pavement, and Surface of any of the Turnpike Roads lying within the said Town and Parish of *Birmingham*, for any of the Purposes of this Act, (save and except for the Purposes of repairing any Leakage in the Pipes to be laid by virtue of this Act, such Repairing to be completed, and the Ground restored to its former State in the Space of Twenty-four Hours from the Commencement of such Repairing,) without the Consent and Approbation from Time to Time of the Trustees of such Turnpike Roads respectively first had and obtained in Writing, or in any way or abridge or interfere with the Powers of the said Trustees.

Not to inter-  
 fere with the  
 Lands, &c.  
 of the Bir-  
 mingham  
 Canal Com-  
 pany without  
 Consent.

LXVI. 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 or at any Time hereafter may be, or be deemed, taken, and considered to be Part, Parcel, or Member of 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.

Expences of  
 the Act how  
 to be paid.

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

Public Act.

LXVIII. 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.