



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. lxxvii.

An Act to extend the Limits of the *Newcastle-under-Lyme* Gaslight Company's Act for the Supply of Gas, and to authorize the raising of a further Sum of Money, and for other Purposes.

[26th June 1855.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of King George the Third, intituled *An Act to establish a Company for lighting the Borough of Newcastle-under-Lyme with Gas*, and by the said Act "The *Newcastle-under-Lyme* Gaslight Company" were incorporated: And whereas the said Company have proceeded in the Execution of the said Act, and have constructed Works, and are now supplying the Districts included within the Limits of their Act: And whereas the said Company were by the said Act authorized to raise a Capital of Five thousand Pounds, divided into Shares of Twenty-five Pounds each, and in case such Sum was found insufficient then to raise the further Capital of Three thousand Pounds, either by borrowing or by the Creation of new Shares also of Twenty-five Pounds each, or by both such Means: And whereas the present Share Capital of the said Company is Seven thousand nine hundred Pounds, divided into Three hundred and sixteen Shares of Twenty-five Pounds each, and the said Company have bor-

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The Newcastle-under-Lyme Gaslight Act, 1855.

rowed and now owe One hundred Pounds, and they have expended such Money for the Purposes of the said Act: And whereas the present Committee of Management or Directors of the said Company have borrowed on their joint and several Bonds a further Sum of Three thousand seven hundred Pounds, which has also been expended for the Purposes of the said recited Act: And whereas the Population, and the Dwelling Houses, Manufactories, and other Buildings within the said Borough of *Newcastle-under-Lyme* and the adjacent Parts have of late Years greatly increased and are still increasing, and it may be expedient to extend the Supply of Gas to the Parishes of *Trentham*, *Stoke-upon-Trent*, *Keel*, and *Wolstanton*, or to such Parts thereof as are adjacent to the said Borough of *Newcastle-under-Lyme*: And whereas the said Company are desirous of having Powers of increasing their Capital and further Powers granted to them for the Purpose of more efficiently carrying out their Undertaking; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act
repealed.

I. On the passing of this Act the recited Act shall be and the same is hereby repealed, and the Company thereby incorporated shall be and is hereby dissolved.

"The Com-
pany."

II. The Expression "the Company" in this Act shall mean the Company by this Act incorporated.

8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 15. incor-
porated.

III. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," (except the Sections thereof with respect to the Purchase of Lands otherwise than by Agreement,) and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act; and the Expression "the Undertaking" in "The Gasworks Clauses Act, 1847," shall mean the Works of the Company executed and to be executed; and the Expression "the Undertakers" shall mean "the Company."

Short Title.

IV. In citing this Act it shall be sufficient to use the Expression "The *Newcastle-under-Lyme* Gaslight Act, 1855."

Limits of
Act.

V. The Limits of this Act shall be held to include the Parishes, Townships, or Places of *Newcastle-under-Lyme*, *Trentham*, *Stoke-upon-Trent*, *Keel*, *Wolstanton*, *Silverdale*, *Knutton* or *Knutton Heath*, *Chatterley*, and *Chesterton*, all in the County of *Stafford*.

VI. The

The Newcastle-under-Lyme Gaslight Act, 1855.

VI. The several Persons who immediately before the passing of this Act were Proprietors of Shares in the Company hereby dissolved, and all other Persons who have subscribed or shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, and Assigns respectively, shall be united into a Company for the Purpose of making and supplying Gas within the Limits of this Act, and for making Gasworks for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions in this Act and the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Newcastle-under-Lyme Gaslight Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and may sue and be sued, and shall have a Common Seal, and Powers to purchase and hold and sell Lands for the Purposes of the Undertaking.

Company incorporated.

VII. The Company shall remain and be seised and possessed of and entitled to all the Gasworks, Gasometers, Retorts, Apparatus, Works, and Conveniences, Lands, Buildings, Estates, Monies, Property, Choses in Action, Effects, Claims, and Demands of or to which the Company hereby dissolved were by virtue of the said recited Act or otherwise howsoever immediately before the passing of this Act seised, possessed, or in any way entitled at Law or in Equity or otherwise, with the Appurtenances, and shall stand in place of the said Company hereby dissolved, and shall be liable to all Claims and Demands whatsoever at Law or in Equity to which the said last-mentioned Company were or would have been liable.

Company to remain entitled to Property.

VIII. All Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act made, done, entered into, executed, or instituted under or by virtue of the recited Act, or with reference to the Purposes thereof, shall be good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, and may be proceeded on and enforced accordingly.

Conveyances, &c. to remain in force.

IX. Any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company hereby dissolved before the passing of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Company in like Manner in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the recited Act committed before the passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not passed.

Actions not to abate

X. Notwith-

The Newcastle-under-Lyme Gaslight Act, 1855.

Proceedings
under the
recited Act
valid not-
withstanding
Repeal.

X. Notwithstanding the Repeal of the said recited Act, and except only as is by this Act otherwise expressly provided, everything done or suffered under the said recited Act shall be as valid as if the said Act were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the said recited Act were not repealed, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered: Provided always, that the Generality of the preceding Provision shall not be restricted by any of the other Clauses or Provisions of this Act.

Rates due at
Commence-
ment of Act
to be recover-
able by the
Company.

XI. All Gas Rates and Rents which immediately before the passing of this Act were due and payable or accruing to the Company hereby dissolved, shall be payable to and may be collected and recovered by the Company in like Manner as the Gas Rates and Rents under this Act.

Debts due to
and by the
Company to
be paid to
and by them.

XII. All Persons who immediately before the passing of this Act owed any Sum of Money to the Company hereby dissolved, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing on the same to the Company, and all Debts and Monies which immediately before the passing of this Act were due and owing by or recoverable from the Company hereby dissolved, or for the Payment of which they are or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing on the same, by or be recoverable from the Company.

Resolutions,
&c. to remain
in force.

XIII. All Resolutions, Orders, Notices, and Proceedings of the Company hereby dissolved, and of the Committee of Management or Directors, made or taken before the passing of this Act, and all Books, Accounts, Documents, and Writings whatsoever of or relating to the said Company, shall for the Purposes of this Act continue in full Force and Effect as if this Act had not passed.

Books to be
Evidence.

XIV. All Books kept by the Company hereby dissolved, and all Orders and Proceedings entered therein previously and up to the Time of the passing of this Act, shall, if made Evidence by the said recited Act, be admitted in Evidence in all Courts of Law and Equity and elsewhere.

Officers to
continue.

XV. Every Officer and Servant appointed by virtue of or acting under the Authority of the recited Act shall hold and enjoy his Office and Employment with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed
from

The Newcastle-under-Lyme Gaslight Act, 1855.

from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever as if he had been appointed under this Act.

XVI. The same Person shall not be appointed to the Office both of Secretary and Treasurer; and if any Person being the Secretary or the Partner of such Secretary, or in the Service of such Secretary or of his Partner, accept the Office of Treasurer, or if any Person being the Treasurer or the Partner of such Treasurer, or in the Service of such Treasurer or of his Partner, accept the Office of Secretary, he shall forfeit the Sum of One hundred Pounds, and any Person may sue for such Penalty by Action of Debt or on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit.

Offices of Secretary and Treasurer not to be held by the same Person.

XVII. The Capital of the Company shall (subject to Augmentation as herein-after mentioned) be Fifteen thousand eight hundred Pounds, and shall be divided into Six hundred and thirty-two Shares of Twenty-five Pounds each.

Capital.

XVIII. Three hundred and sixteen of those Shares, representing Seven thousand nine hundred Pounds of the Capital of the Company, shall remain vested in the several Persons and Corporations respectively who immediately before the passing of this Act were possessed of or entitled to any Share or Shares in the Capital of the Company hereby dissolved, and such Shares shall confer on the Holders thereof the same Rights and Interests as they would have enjoyed, and shall be subject to the same Liabilities as to Calls or otherwise in respect thereof, as if this Act had not been passed, save in so far as such Rights or Interests may be expressly altered by this Act.

Vesting in the Proprietors same Number of Shares as now held by them.

XIX. The Certificates of the Shares created under the Powers of the recited Act, and which shall be existing at the Time of the passing of this Act, shall, until called in, continue to be Certificates of the said Shares under this Act; and it shall not be necessary or requisite for the Company to issue fresh Certificates in respect of such Shares, except under the Provisions of "The Companies Clauses Consolidation Act, 1845," in Cases where such Certificates shall be worn out or damaged or lost or destroyed, but the Company may, if they think fit, at any Time call in such Certificates and grant others in the Stead thereof.

Certificates of old Shares to apply to the new Shares.

XX. In Cases where the Certificates of any of the Shares created under the Powers of the recited Act shall have been lost or destroyed, but which Certificates shall have been duly entered in the Register of

Certificates of old Shares to be renewed when lost.

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Shareholders,

The Newcastle-under-Lyme Gaslight Act, 1855.

Shareholders, then, upon Proof thereof to the Satisfaction of the Directors, similar Certificates shall be given to the Parties entitled to the Certificates so lost or destroyed.

Shares to be held upon the same Trusts.

XXI. All Persons in whom any of such Shares are or may be vested as aforesaid shall stand possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, Agreements, Charges, Liens, and Incumbrances, as such Shares were subject and liable to immediately before the passing of this Act.

Power to raise additional Capital.

XXII. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any General Meeting specially convened for the Purpose, to raise by the Creation of new Shares of such Amount as shall be determined upon at such Meeting, in addition to the Capital of Fifteen thousand eight hundred Pounds authorized by this Act, any further Sum or Sums of Money for the Purpose of the Company, but so as that the said Capital shall not exceed in the whole the Sum of Twenty thousand Pounds.

Additional Capital to be offered in the first place to existing Shareholders.

XXIII. The new Shares created and to be created by virtue of this Act shall (unless it be otherwise determined by any such Meeting) be offered to the then Proprietors of Shares in proportion, as nearly as can conveniently be done, to the Shares held by them respectively in the Capital of the Company at the Time of the Creation of such new Shares.

Offer to be made by Letter.

XXIV. Such Offer shall be made by Letter under the Hand of the Secretary of the Company, addressed and given or sent by Post to each Shareholder according to his Address as entered in the Register of Shareholders, or left at his usual or last known Place of Abode in the United Kingdom, and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter, in the due Course of Delivery, ought to reach the Place to which it is addressed.

Shares to vest in Parties accepting, otherwise to be disposed of by the Company.

XXV. Such new Shares so to be from Time to Time created shall vest in and belong to the Shareholders who shall accept the same and pay the Value thereof to the Company at the Time or Times and by the Instalments which shall be fixed by the Company; and if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, and to pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof for such Sum as the Company can obtain for the same.

XXVI. Pro-

The Newcastle-under-Lyme Gaslight Act, 1855.

XXVI. Provided always, That it shall be lawful for the Directors, in case they shall think proper so to do, but not otherwise, to permit any Shareholder who, from Absence abroad, or from any other Cause satisfactory to the Directors, may have omitted or neglected (within the Time limited by this Act) to signify his Acceptance of the new Share or Shares which may have been offered to him, or to which he may be entitled by virtue of this Act, to accept any Share or Shares, notwithstanding the Time limited for such Acceptance may have expired.

Directors may permit Shareholders to take new Shares after Time specified, in certain Cases.

XXVII. The Amount of Profits of the Undertaking which may be divided among the Undertakers or Shareholders in the Company in any Year on the additional Capital of the Company which they may raise under the Authority of the Twenty-second Section of this Act, and which shall be from Time to Time paid, shall not exceed the Rate of Seven Pounds Ten Shillings in the Hundred by the Year on such paid-up Capital.

Amount of Profits that may be divided on additional Capital of the Company.

XXVIII. Five Pounds shall be the greatest Amount of any One Call which the Company may make in respect of any new Share which may be created under this Act, and Three Months at the least shall intervene between successive Calls; and the aggregate Amount of Calls to be made on any Share in any One Year shall not exceed Three Fifths of the Amount of such Shares.

Calls.

XXIX. It shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond any Sum or Sums of Money not exceeding in the whole the Sum of Four thousand Pounds, including the said Sum of One hundred Pounds now due and owing by the said Company hereby dissolved as aforesaid, and also including the said Sum of Three thousand seven hundred Pounds now due and owing upon the Bonds of the said Committee of Management or Directors if not paid off under the Provisions herein-after contained; and the Company shall, within Three Months after the passing of this Act, grant Mortgages or Bonds for securing the last-mentioned Sum to the Parties entitled thereto respectively: Provided always, that no Part of such Sum of Four thousand Pounds shall be raised by Mortgage or on Bond until One Half of the entire Capital of the Company shall have been actually paid up.

Power to borrow on Mortgage or Bond.

XXX. The said Debt of Three thousand seven hundred Pounds shall be paid off out of the Money to be raised by means of Shares, or may be constituted a Debt of the Company in such Manner and with such Rights and Remedies for the Recovery thereof as if the same were Part of the Money borrowed under the Provisions of this Act.

Debt of 3,700l. may be paid off out of Shares or be constituted a Debt.

XXXI. All

The Newcastle-under-Lyme Gaslight Act, 1855.

Application
of Money.

XXXI. All Money to be raised under the Provisions of this Act, whether by means of Shares or by the Exercise of the Powers of borrowing, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Number and
Qualification
of Directors.

XXXII. Subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors of the Company shall be Seven, and the Qualification of a Director shall be the Possession by him in his own Right of Two hundred Pounds in the paid-up Capital of the Company.

Power to
reduce the
Number of
Directors.

XXXIII. It shall be lawful for the Company, by Vote of any General Meeting, from Time to Time to reduce the Number of Directors to any Number not being less than Five.

First Di-
rectors.

XXXIV. The several Persons who immediately before the passing of this Act were the Committee of Management of the Company hereby dissolved shall be the First Directors of the Company.

Directors to
retire from
Office at
Company's
Ordinary
Meeting.

XXXV. At the First Ordinary Meeting of the Company the several Persons who shall then be Directors of the Company shall go out of Office and cease to be Directors, and at such Meeting the Proprietors present, personally or by Proxy, shall elect a new Body of Directors, the several Persons who immediately before such Meeting shall be Directors being eligible to be Members of such new Body.

Scale of
voting.

XXXVI. The Scale according to which Shareholders may vote in respect of their Shares shall be as follows: For One Share or more, but not exceeding Ten Shares, One Vote for each Share, and for more than Ten Shares an additional Vote for every Two Shares; but no Shareholder shall under any Circumstances be entitled to more than Twenty Votes.

Quorum.

XXXVII. A Quorum of a Meeting of the Directors shall be Three,

First and
other Meet-
ings.

XXXVIII. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Month of *July* in every succeeding Year.

Power to de-
clare further
Dividend.

XXXIX. It shall be lawful for the Directors, without the Direction or Sanction of a General Meeting, from Time to Time to declare and pay in the Interval between any Two Ordinary Annual General Meetings a further Dividend out of the Profits of the Company to the Shareholders,

The Newcastle-under-Lyme Gaslight Act, 1855.

Shareholders, in addition to the Dividend declared at any Ordinary Meeting of the Company; but the Directors shall not make any Dividend whereby the Capital of the Company shall be reduced.

XL. The Number of Proprietors on whose Requisition an Extraordinary Meeting of the Company may be required to be convened shall be Five or more Proprietors, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Number of Proprietors who may call Extraordinary Meetings.

XLI. Subject to the Provisions in this Act and in the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to make, construct, lay down, and maintain, alter or discontinue, such Retorts, Gasometers, Receivers, Drains, Sewers, Machinery, and other Works and Apparatus, and also such Houses and Buildings, and Approaches thereto, upon the Lands belonging to the Company, and to do all such other Acts as they shall think necessary, consistently with the Provisions of this Act, for supplying Gas within the Limits of this Act, and also to manufacture or purchase and to contract for Gas and for the Supply thereof, and to sell Gas, and to demand and take Rates, Rents, and Charges for the Supply thereof, and to sell, manufacture, and dispose of Coke and other Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, in such Manner as the Company may think proper.

Power to construct Works.

XLII. Subject to the Provisions in this Act and the incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipes into, through, or against any Buildings for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Company empowered to lay Pipes for lighting Buildings.

XLIII. Every private Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter, to be found and provided by the Company, at a Rent not exceeding Ten Pounds *per Centum per Annum* on the Cost of the Meter, unless such Consumer shall desire to provide such Meter at his own Cost, to be approved by the Company.

Consumers may be required to consume by Meter.

XLIV. If any Person, supplied with Gas by the Company, or having hired from the Company any Meter or Fittings for Gas, neglect to pay the Rent due for the same to the Company, the Company may recover the same, together with the Expenses of cutting off the Gas, in the

Power to recover Rent in County Court.

[*Local.*]

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County

The Newcastle-under-Lyme Gaslight Act, 1855.

County Court, or in any Inferior Court having Jurisdiction for the Recovery of Demands of the Amount due for such Rent within the District in which the said Gas shall have been supplied, as well as in the Manner prescribed for the Recovery thereof in "The Gasworks Clauses Act, 1847."

Limiting
Charge for
Supply by
Meter.

XLV. The maximum Price at which Gas shall be sold by the Company to all Persons who shall burn the same by Meter shall not exceed Five Shillings *per* One thousand Cubic Feet.

Provision for
the public
lighting of
the Borough.

XLVI. The Company shall, from Time to Time, when required by the Local Board of Health of the said Borough of *Newcastle-under-Lyme* so to do, furnish an adequate Supply of Gas for lighting in a proper and effectual Manner all such of the Streets, Squares, Lanes, Roads, and Passages within the said Borough as the said Board of Health shall, by Notice in Writing, from Time to Time require to be lighted with Gas, and for that Purpose supply with Gas all the public Lamps of the said Borough for the Time being, for such Number of Hours as the said Board of Health shall from Time to Time direct; and the Company shall also, from Time to Time, at their own Expense, fix, erect, set up, and complete, in the first instance, Lamp Posts and other Apparatus necessary and requisite for the same Purpose, upon receiving annually, for each Burner in every such public Lamp so required, an annual Price or Sum to be mutually agreed upon once in every successive Period of Three Years between the Company and the said Board of Health, and in case the Company and the said Board of Health cannot agree upon Terms, then it shall be lawful for either of them to refer the Matter in dispute to Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for the Settlement of Disputes by Arbitration: Provided always, that the maximum Price to be charged by the Company for the Supply of Gas to each of the Burners used in such public Lamps from Dusk until One Hour before Sunrise in each Night between the First Day of *September* and the Thirtieth Day of *April* in each Year, save and except Three Nights in each Lunar Month during the said Period, shall not exceed Two Pounds Ten Shillings.

Power to
purchase
Lands.

XLVII. It shall be lawful for the Company to agree with the Owners of any Lands which they may think requisite or proper for the Purposes of the said Undertaking, for the absolute Purchase for a Consideration in Money of any such Lands or such Parts thereof as they shall think proper, together with all subsisting Leases therein, and all Rentcharges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such
Lands,

The Newcastle-under-Lyme Gaslight Act, 1855.

Lands, of what Kind soever: Provided always, that the total Quantity of Land to be held by the Company at any One Time shall not exceed Five Acres, and that the Company shall not erect or make any Works for the Manufacture of Gas upon the Lands to be acquired by virtue of this Act, unless such Lands shall be situate adjoining to the Lands now in the Possession of the Company used for the Manufacture of Gas.

XLVIII. All Pipes which shall hereafter be laid down by the Company within the Limits of this Act shall be of such Construction or shall be so marked as that the same may be easily distinguishable from the Pipes of any other Company or Persons supplying Gas or Water within the same Limits.

Future
Pipes to
be distin-
guished.

XLIX. Every Person who fits up any Apparatus or Fittings whereby Gas is obtained from any Main or Pipe of the Company shall, within Ten Days after completing the same, make a Return in Writing to the Company of the Light or Number of Lights so fitted up, and in default thereof he shall pay to the Company for every Light so fitted up, and in respect of which such Notice is not so given, any Sum not exceeding Five Pounds.

Notice to
be given to
Company of
Lights fitted
up to their
Mains.

L. Nothing in this Act contained shall extend or be construed to extend to defeat, abridge, obstruct, or in any Manner interfere with the Powers and Authorities of the *Staffordshire Potteries Waterworks Company*, or of the said Local Board of Health of the said Borough of *Newcastle-under-Lyme*, or of any Trustees, Surveyors, or other Persons having the Control, Superintendence, Direction, or Management of lighting or paving the said Borough, or the Rights of any Person or Persons whomsoever to make, enlarge, repair, or amend any Sewer, Drain, or Vault under any Streetway or public Place within the said Borough, or the Rights, Powers, and Authorities of the Trustees acting under the Authority of any Act or Acts of Parliament for repairing or amending the several Turnpike Roads passing through the said Borough, or the Right and Privilege the Mayor, Aldermen, and Burgesses of the said Borough, or their Lessees, now enjoy of supplying the Inhabitants of the said Borough with Water by means of Pipes laid under the Streets, Lanes, and public Places within the said Borough, or any of the other Rights, Royalties, Powers, or Authorities now held and enjoyed by the said Mayor, Aldermen, and Burgesses within the said Borough, and which are from henceforth to be held and enjoyed by them, in the same full and ample Manner, to all Intents and Purposes, as if this Act had not been passed, save only so far as the same may be affected by the due and lawful Exercise of the Powers hereby vested in the Company.

General
Saving of
Rights.

LI. All

The Newcastle-under-Lyme Gaslight Act, 1855.

Expenses of
Act.

LI. All the Costs, Charges, and Expenses of applying for and obtaining this Act or incident thereto shall be defrayed by the Company.

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