



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. iii.

An Act for lighting with Gas the Borough of
Congleton and the Township of *Buglawton* within
the Parish of *Astbury* in the County of *Chester*.
[29th March 1833.]

WHEREAS the Borough of *Congleton* and the Township of *Buglawton*, both within the Parish of *Astbury* in the County of *Chester*, form a large and populous District, and a Place of considerable Trade; and many of the Roads, Streets, Ways, Lanes, and other public Passages and Places within the same are either wholly without or have insufficient public Lamps and Lights; and it would be a great Convenience and Advantage to the Inhabitants thereof, and to all Persons travelling along the said Roads, Streets, Ways, Lanes, Passages, and Places, if such Borough and Township were effectually lighted with Gas: And whereas the several Persons herein-after named are willing and desirous, at their own Expence, to erect Retorts, Gasometers, and other Works, and effectually to light the said Borough and Township with Gas; but the same cannot be carried fully and completely into execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Fitzherbert Adams, Mary Buckley, Joseph Bullock, Peter Bullock, Oliver Buckley, William Bull the elder, John Bull, William Bull the younger, Samuel Bull,* Proprietors incorporated.
[Local.] M Bull,

Bull, Roger Broadhurst, Charles Barlow, William Chaddock, Thomas Cockram, Elizabeth Comberbach, Alice Comberbach, Richard Duff, Edward Drakeford, John Drakeford, Martha Elsbey, Joel Findlow, Joseph Forster, Isaac Faulkner, John Galley, Margaret Goodall, Thomas Goode, Charles Gent, Philip Hall, Thomas Hall, Enoch Hill, George Hargreaves, Daniel Turton Johnson, Charles Low, Joseph Lockett, William Lowndes Tanner, Charles Lockett,

Lowndes, Matthew Lowndes, Thomas Martin, Christopher Moorhouse, Samuel Orme, John Pickford, Charles Pedley, John Perry, George Proctor, James Pearson, George Reade the elder, John Fielder Reade, Thomas Reade, James Reade, George Reade the younger, Richard Smeeton, Ann Smith, Edward Snelson, George Snelson, Samuel Stringer, John Henry Stein, Thomas Templeton, John Twiss, William Vaudrey, Charles Vaudrey, George Walkworth, William Warrington, Samuel Woolley, Betty Waring, John Wild, Samuel Yates, and every

Name of the
Company.

such other Person as shall or may from Time to Time, in such Manner as is herein-after mentioned, become a Subscriber and be duly admitted a Proprietor of a Share in the Undertaking hereby established, as herein-after mentioned, and his Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company of Proprietors, and declared to be One Body Politic and Corporate, by the Name of "*The Congleton Gas Light Company*;" and by that Name shall have perpetual Succession and a Common Seal, with full Power and Authority to use the same; and by that Name shall and may sue and be sued, plead and be impleaded, at Law and in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment for any Felony, Misdemeanor, or other Offence punishable by the Laws of this Realm.

Purposes of
the Company.

II. And be it further enacted, That the said Company shall be established for the Purpose of producing inflammable Air or Gas from Coal, Cannel, Oil, Tar, Pitch, or other Materials, and for lighting and supplying the said Borough of *Congleton* and Township of *Buglawton* therewith; and shall have full Power from Time to Time to make Contracts or agree with the Inspectors for the Time being acting in and for the said Borough of *Congleton*, under the Authority of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make Provision for the lighting and watching of Parishes in England and Wales*, or any Surveyors, Inspectors, Trustees, or Commissioners who for the Time being shall have the Controul, Direction, or Management of the lighting the said Borough of *Congleton* and Township of *Buglawton*, or either of them, or with any Person who may be willing and desirous of contracting or agreeing with the said Company for the lighting with Gas the said Borough and Township, or either of them, and all and every or any of the Roads, Streets, Ways, Lanes, and other public Passages and Places therein, or any Churches or Chapels, or any Theatres or Places of public Amusement, Manufactories, Shops, Inns, Taverns, Dwelling Houses, Buildings, or private Places within the said Borough and Township, or either of them; and to sell and dispose of the Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oils, and other Product, Refuse, or Residuum arising or to be obtained from the Materials

used in or necessary for the Manufacture of Gas, in such Manner as the said Company may think proper.

III. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves a Sum of Money by way of Capital or Joint Stock, to be applied and used in establishing and carrying on the said Undertaking and the Purposes aforesaid, not exceeding in the whole the Sum of Five thousand Pounds.

Capital Stock to be raised by the Company.

IV. And be it further enacted, That the said Sum of Five thousand Pounds shall be divided into Shares of not less than Twenty-five Pounds each; and every Proprietor of a Share shall be entitled to and interested in the Capital Stock and Effects of the said Company, and the Profits and Advantages attending the same, according to the Share or Number of Shares he shall hold.

Stock to be divided into Shares of 25l. each.

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

Shares to be deemed Personal Estate.

VI. And be it further enacted, That the several Persons composing the said Company shall severally and respectively stand personally responsible and answerable for all just Debts and Demands of the Creditors of the said Company, and for the due Performance of all Contracts and Engagements entered into by the said Company or by the said Directors on behalf of the said Company, and for all Damages occasioned thereby, to the full Amount of the Calls made as herein-after is directed in respect of their several and respective Shares in the said Capital or Joint Stock, but not further or otherwise: Provided always, that whenever Two or more Persons shall have jointly subscribed for or shall be jointly possessed of One Share in the said Undertaking, such Persons shall severally and respectively be answerable for the said Debts and Demands of the Creditors of the said Company, and other the Contracts and Engagements aforesaid, to the full Amount of the Calls made in respect of such Share, but not further or otherwise.

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

VII. And be it further enacted, That every Person by or for whom any Subscription shall be made or accepted, or any Payment made pursuant to the Orders of any General Meeting to be held by the said Company for that Purpose, for or towards raising the said Capital Sum of Five thousand Pounds as aforesaid, their several and respective Executors, Administrators, Successors, and Assigns, (no such Subscription being less than Twenty-five Pounds,) shall have and be entitled to a Share of and in the said Capital or Joint Stock of the said Company in proportion to the Monies which he shall have so contributed towards making up the same, and shall have and be entitled to a proportionable Share of the Profits and Advantages attending the Capital or Joint Stock of the said Company, and shall be admitted to be a Proprietor of and in the same.

Subscribers to share the Stock in proportion to their Subscription.

VIII. And

Power to
raise more
Money, if
necessary, by
Loan.

VIII. And be it further enacted, That in case the aforesaid Sum of Five thousand Pounds shall be found insufficient for the Purposes of this Act, then and in such Case it shall be lawful for the said Company of Proprietors, or so many of them as shall be present at any Special General Meeting to be called for that Purpose, from Time to Time to raise any further Sum of Money for completing the said Undertaking, not exceeding in the whole the Sum of One thousand six hundred and fifty Pounds, by way of Loan on Security of the Property and Effects belonging to the said Company; and in case it shall at any Time be deemed advisable by the said Company to raise any Part of the said further Sum of One thousand six hundred and fifty Pounds by way of Loan as aforesaid, then it shall be lawful for the said Company to borrow and take up the same at Interest, and thereupon by Writing under their Common Seal to assign all or any Part of the Property and Effects of the said Company to such Person as shall lend or advance any such Money, or to his Trustee, as a Security for the Principal Money to be advanced, together with lawful Interest for the same; and the Charges and Expences of such Assignment (to be made as herein-after mentioned) shall be from Time to Time defrayed out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say,)

Form of
Assignment.

‘ WE, the *Congleton* Gas Light Company, acting in pursuance of
‘ an Act passed in the Third Year of the Reign of His Majesty
‘ King *William* the Fourth, intituled [*here set forth the Title of this*
‘ *Act*], in consideration of the Sum of
‘ advanced and lent to the said Company by
‘ of in the County of
‘ for the Purposes of the said Act, do hereby grant and assign unto
‘ the said [or his Trustee or Trustees, as
‘ *the Case may be,*] his [or her or their] Executors, Administrators,
‘ and Assigns, such Proportion of the Property and Effects belonging
‘ to the said Company as the said Sum of
‘ doth or shall bear to the whole Sum which may at any Time be
‘ borrowed by virtue of the said Act, to be had and holden from the
‘ Day of the Date hereof until the said Sum of
‘ with Interest after the Rate of *per Centum*
‘ *per Annum* for the same, shall be fully paid and satisfied. In witness
‘ whereof we the said Company have hereunto set our Common
‘ Seal, the Day of in the Year of
‘ our Lord One thousand eight hundred and

And every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person to whom the same shall be made, his Executors, Administrators, or Assigns, to the Payment thereof, and to all Profits and Advantages thereof, according to the Form of Words of such Assignment, and the true Intent and Meaning of this Act.

Power of
transferring
Assignments
in a pre-
scribed Form.

IX. And be it further enacted, That it shall be lawful for the several Persons entitled to any of the Securities for the Money to be borrowed as aforesaid, and their respective Executors, Administrators, and Assigns, (as the Case may be,) at any Time, by Writing under their respective Hands and Seals, to transfer such Securities to any Person

Person whomsoever; and every such Transfer may be in the Form or to the Effect following; (that is to say,)

I *A. B.* being entitled to the Sum of _____ under or Form of Transfer.
 by virtue of an Assignment bearing Date the _____
 Day of _____ under the Common Seal of the *Congleton*
Gas Light Company, do hereby assign and transfer all my Right
 and Interest in and to the same Sum, and to the Property and
 Effects assigned to me, for securing the same, unto
 of _____ his [*or her or their*] Executors, Ad-
 ministrators, and Assigns. Dated the _____ Day
 of _____ in the Year of our Lord One thousand eight
 hundred and _____.

And a Copy of every such Security or Assignment, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Company, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred; to which Book any Person interested shall at all reasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the entering of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after the entering thereof as aforesaid, shall entitle the Person to whom such Transfer shall be made, his Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment thereof; but such Mortgagee or his Assignee shall not be deemed a Proprietor of the said Undertaking, nor be capable of acting as such, unless in respect of any Share of which he may be or become a Proprietor.

X. And be it further enacted, That the Lands and Hereditaments, Lands, &c. of Company to be answerable for the Debts. Manufactories, Gasometers, Machinery, Apparatus, and Works, Chatels and Effects of the said Company and their Successors, shall be answerable for and subject to the just Debts, Liabilities, Engagements, and Demands of all and every the Creditors of the said Company.

XI. And be it further enacted, That the several Persons who have To compel Payment of Subscriptions. subscribed or shall subscribe for or towards the said Undertaking, or who shall at any Time hereafter have or hold any Share of the same, shall and they are hereby required to pay the Sum of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for, pursuant to the Powers of and Directions contained in this Act, at such Times and Places, to such Person, and in such Manner as shall be ordered or directed by the said Company; and in case any such Person shall refuse or neglect to pay any such Sum of Money at such Times and in such Manner as shall be ordered or directed as aforesaid, it shall be lawful for the said Company to sue for and recover the same from him by Action of Debt or otherwise in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from such required or appointed Time of Payment, and all Costs of
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Suit attending the same, and in like Cases of Neglect or Refusal, where Two or more Persons shall have jointly subscribed for or be jointly possessed of any Share in the said Undertaking, then in like Manner to sue for and and recover the same from all or any of such joint Subscribers.

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

XII. And be it further enacted, That the said Company shall and they are hereby required, at their First General Meeting, and from Time to Time afterwards, as Occasion may require, to cause the Names of the several Bodies and the Names and Additions of the several Persons who respectively shall be entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to hold, and the Amount of the Subscriptions paid thereon, 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 the Clerk of the said Company, and after such Entry shall be first made and completed to cause their Common Seal to be affixed thereto, and also to cause a Certificate under the Common Seal of the said Company to be delivered to every Proprietor, upon Demand, specifying that he is entitled to a Share or Shares in the said Undertaking, and the Number or Numbers thereof, every such Proprietor paying to the Clerk to the said Company Two Shillings and Sixpence, and no more, for every such Certificate; and such Certificate shall be admitted in all Cases whatsoever as *prima facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and which said Certificate may be in the Form or to the Effect following; (that is to say,)

Form of Certificate.

‘ The Congleton Gas Light Company.
 ‘ Number [or Numbers]
 ‘ THESE are to certify, That of
 ‘ in the County of is a Proprietor
 ‘ of the Share [or Shares], Number of the
 ‘ Capital or Joint Stock of the Congleton Gas Light Company, sub-
 ‘ ject to the Rules, Regulations, and Orders of the said Company;
 ‘ and that the said his [or her or their]
 ‘ Executors, Administrators [or their Successors], and Assigns, is
 ‘ and are entitled to such Proportion of the Profits and Advantages
 ‘ arising or to arise to the said Company as shall belong to such
 ‘ Share [or Shares]. Given under the Common Seal of the said
 ‘ Company, the Day of in the
 ‘ Year of our Lord One thousand eight hundred and .’

Shares may be transferred.

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

Form of Transfer.

‘ I [or We], of in the
 ‘ County of in consideration
 ‘ of paid to me [or us] by of

' of in the County of do
 ' hereby bargain, sell, assign, and transfer to the said
 ' Share [or Shares, as the Case may be,] in the Congleton Gas Light
 ' Company, Number [or Numbers] in the said
 ' Undertaking, to hold to the said
 ' his [or her or their] Executors, Administrators [or their Succes-
 ' sors], and Assigns, subject to the same Rules, Orders, and Restric-
 ' tions, and on the same Conditions, as I [or we] held the same Share
 ' [or Shares] immediately before the Execution hereof; and I
 ' [or we], the said do hereby agree to take
 ' and accept the said Share [or Shares], subject to the said Rules,
 ' Orders, Restrictions, and Conditions. As witness our Hands and
 ' Seals, this Day of in the Year
 ' of our Lord One thousand eight hundred and

And every such Transfer shall be produced to the Clerk of the said Company, and shall be registered by him in the Books of the said Company, for which the Sum of Two Shillings and Sixpence shall be paid by the Person requiring such Transfer, to such Clerk, and no more; and the Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and a Copy of such Register, signed by such Clerk, shall be sufficient Evidence of such Transfer, and be received and admitted as such in all Trials before any Court in the United Kingdom; and until such Transfer shall be registered in the Books of the said Company no Purchaser of any Share, or his Executors, Administrators, Successors, or Assigns, shall be deemed a Proprietor or have any Part of the Profit of the said Undertaking or the Advantages thereof, nor shall receive any Interest or Dividend for or in respect of such Share so purchased, nor be entitled to vote at any Meeting as a Proprietor of the said Undertaking in respect of such Share.

Transfers to be registered.

XIV. Provided always, and be it further enacted, That after any Call for Money shall have been made by virtue of this Act no Proprietor shall sell or transfer any Share which he shall possess in the said Undertaking, after the Day appointed for Payment of the said Call, until the Money so called for or in respect of his Share intended to be sold shall be paid, and until such Money so called for shall be paid every such Sale or Transfer shall be void; and every Proprietor making default herein shall forfeit such his Share in the said Undertaking to and for the Benefit of the said Company, unless he shall, at the Time of such Sale and Transfer, pay to the Treasurer of the said Company the full Sum of Money so called for upon every Share so to be sold or transferred.

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

XV. And in case any original Holder or Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to learn who is the Owner or Proprietor of such Share, in order to give him, or his Executors, Administrators, Successors, or Assigns,

For ascertaining the Proprietorship of Shares in certain Cases.

Assigns, Notice of Calls to be made on such Share, and to maintain any Action, Suit, or other Proceedings against him, or his Executors, Administrators, Successors, or Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, or his Executors, Administrators, Successors, or Assigns, the Interest or Dividends to which he may be entitled by virtue thereof; be it therefore further enacted, That in all Cases where the Right and Property in any Share in the said Undertaking shall pass from the original Subscriber or any Proprietor thereof to any other Person by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner in this Act specified, an Affidavit shall be made and sworn to by Two credible Persons before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share hath passed to such other Person, his Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to and left with the Clerk of the said Company, who shall preserve the same, and enter and register the Name of every such other Proprietor in the Register Book or List of Subscribers and Proprietors to the said Undertaking, to be kept by the Clerk to the said Company; and in all or any of the said Cases, after Two Calendar Months Notice in Writing shall have been given, signed by the Chairman of some Meeting of the said Company or Three of the Directors thereof, to the Owner of such Share, or left at his last or usual Place of Abode, if he shall reside within the Borough of *Congleton* or the Township of *Buglawton* aforesaid, and if not, then by Letter sent by the Post, to pay his Proportion of Money so to be called for, and such Person, his Executors, Administrators, Successors, or Assigns, shall not have paid such his Proportion as aforesaid, it shall be lawful for the said Subscribers and Proprietors at any General Meeting after the Expiration of such Notice to declare the same Share to be forfeited, and any Share so to be declared forfeited shall and may be sold and disposed of in manner herein-after directed.

Proofs required where Rights accrue by Marriage or Death.

XVI. And be it further enacted, That when any Person shall claim any Part or Share in the Joint Stock of the said Company or the Profits thereof in Right of Marriage, an Affidavit containing a Copy of the Register of such Marriage, or the Purport of such Register, shall be made and sworn to by some credible Person before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be delivered to and left with the Clerk of the said Company, who shall preserve the same, and make an Entry thereof in the Book which shall be kept by him for the Entry of Transfers and Sales of Shares in the said Undertaking; and the said Clerk shall be paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, before such Person shall be entitled to sell and assign such Share, or to claim Payment of any Dividend in respect thereof; and when any Person shall claim any Part or Share in the Joint Stock of the said Company, or the Profits thereof, under or by virtue of any Will or Bequest, or in a Course of Administration, the Probate Copy of the Will, or the Letters of Administration in case the Proprietor shall have died intestate, shall be produced and shown to the said Clerk, who shall make an Entry of such Will, or of so much thereof as shall relate to the Disposition

of the Share of the Testator, or of the Letters of Administration in case the Proprietor shall have died intestate; and the said Clerk shall be paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, before such Person shall be entitled to sell and assign such Share, or to claim Payment of any Dividend in respect thereof: Provided nevertheless, that no Bequest or Claim in any such Will contained shall bind or affect or be construed to bind or affect the said Company with Notice of any Trust or Disposition of any Share in the Joint Stock of the said Company, or the Gains and Profits thereof, but the Registry of any such Share shall be in the Name of the Executor who shall prove the Will of such Testator, or the Administrator of his Effects, whose Receipt to the said Company for the Gains and Profits thereof, and to any Purchaser for the Amount of the Purchase Money paid upon the Sale and Conveyance of such Share, shall be good and effectual, and shall bind the Cestuique Trusts and all other Persons claiming Interest under such Testator; any Rule of Law or Equity to the contrary notwithstanding.

XVII. And be it further enacted, That the said Company of Proprietors shall meet at the *Bull's Head* Inn in the Borough of *Congleton* aforesaid, or at some other convenient Place within the said Borough, on the Second *Monday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting either to the same Place, or such other convenient Place in the said Borough of *Congleton* as the said Proprietors shall think proper; and from and after the said First General Meeting of the said Company of Proprietors there shall be in each Year Two General Meetings of the said Company; (that is to say,) on the first *Monday* next after the Twenty-fifth Day of *March*, and on the first *Monday* next after the Twenty-ninth Day of *September*, or within Ten Days next after such Days respectively; and Twenty or more of the said Proprietors, being collectively possessed of or entitled to Fifty or more Shares in the said Undertaking, may at any Time, by Notice in Writing under their Hands, call a Special General Meeting, so as the Object for which such last-mentioned Meeting shall be called, and the Place and Time for holding the same, be expressed in such Notice; of which several General Meetings and Special General Meetings Ten Days public Notice at the least shall be given by Advertisement in the Newspaper called the *Macclesfield Courier and Herald*, or in some other Newspaper circulated in the Neighbourhood, or by affixing a Copy of such Notice on the outer Doors of the Guildhall and Church or Parochial Chapel of the said Borough; and the first of the said Two yearly General Meetings to be holden by virtue of this Act shall be holden on the first *Monday* next after the Twenty-ninth Day of *September* next, or within Ten Days next after the same; and all such General Meetings and Special General Meetings may be adjourned from Time to Time and from Place to Place, as shall be found expedient; and at all such Meetings of the said Proprietors to be held as aforesaid the Proprietors then present (not being fewer than Five in Number) shall and may proceed to Business, and act in the Execution of the several Powers hereby granted to the said

First and
other General
Meetings of
Proprietors.

Special
General
Meetings
may be
called.

[*Local.*]

O

Company

Company of Proprietors; and if it shall happen that there shall not appear at any of the aforesaid Meetings of the said Company a sufficient Number of the said Proprietors to act or to adjourn (Five Proprietors being hereby declared sufficient in all Cases to proceed to Business, and Two Proprietors being hereby declared sufficient for the Purpose of Adjournment only,) then and so often as the Case may happen such Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, and at the same Place and Hour, at which the same ought to have been held as aforesaid: Provided always, that no Business shall be transacted at any Special General Meeting of the said Proprietors besides the Business for which such Meeting 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.

Regulations
as to General
and Special
Meetings,
and Manner
of voting.

XVIII. And be it further enacted, That at every General and Special General Meeting of the Proprietors of the said Undertaking one of the Proprietors then present shall be elected to preside as Chairman, and all Questions shall be decided by a Majority of Votes of the Proprietors present in Person (or, in case of Female Proprietors, by their respective Proxies, to be appointed as herein-after mentioned); and if at any such Meeting the Number of Votes, including the Vote of the Chairman, shall be equal, then and in every such Case the Chairman shall have an additional or casting Vote; and the several Proprietors of Shares shall be considered on all Occasions as possessed of and entitled to give so many Votes as they shall respectively possess Shares in the said Undertaking, but no Proprietor shall be entitled to vote for or in respect of more than Ten Shares (except the Chairman as aforesaid); but nevertheless it is hereby provided that no Proprietor shall be entitled to vote at any Meeting of the said Company in respect of any Share which he may possess in the said Undertaking, after the Day appointed for Payment of any Call to be made or called for as herein-after is mentioned, until such Call shall have been paid, nor shall any of the said Proprietors vote upon any Question in which he shall be in anywise interested, further than as a Proprietor or Subscriber to or in the said Undertaking.

When Shares
stand in
the Names of
more than
One Person,
the Person
whose Name
stands first
shall be
deemed the
Owner.

XIX. And be it further enacted, That when any of the said Shares shall be jointly possessed by or be the Property of more than One Person, the Proprietor whose Name shall stand first in Order in the Register Book of the said Company shall for all the Purposes of the said Company be deemed the Proprietor of such Share, and all Notices required to be given to the respective Proprietors of Shares in the said Undertaking shall and may be given to or served upon such Person whose Name shall so stand first in Order in the said Register Book; and such Service shall be deemed to be a Service upon all the Proprietors of such Share, and such Person shall be entitled to vote for any of the Purposes of this Act in respect thereof.

Female Pro-
prieters may
vote by
Proxy.

XX. And be it further enacted, That any Female Proprietor of a Share in the said Undertaking entitled to vote in respect of such Share at any General or Special General Meeting of the said Com-
pany

pany shall have full Power and Authority from Time to Time to give her Vote by Proxy, every such Proxy being one of the said Company; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say,)

‘ I *A.B.* of *Congleton* Gas Light Company, do hereby appoint *C.D.* of *one of the Proprietors of and in the* *Form of Proxy.*
 ‘ *in the County of* *for me and in*
 ‘ my Name to vote at the Meeting of the said Company to be holden
 ‘ on the *Day of* *or any Adjournment thereof.*
 ‘ In witness whereof I have hereunto set my Hand and Seal, the
 ‘ *Day of* *in the Year of our Lord One thousand*
 ‘ eight hundred and *.*

XXI. Provided always, and be it further enacted, That in case any of the said Proprietors entitled to vote as aforesaid shall be Lunatics or Minors, such Lunatics may vote by any one of their Committee, and such Minors may vote by any one of their Guardians: Provided also, that the Appointment of such Committee or Guardian shall be produced at every Meeting at which he may so offer to vote, and that the Person applying to vote as Proxy shall always at the Time of meeting produce his Appointment. *As to Votes of Lunatics and Minors.*

XXII. And be it further enacted, That the said Company, at any General Meeting specially called for the Purpose, shall have full Power from Time to Time to call for and examine and settle all or any of the Accounts of the said Company, and of the Directors for the Time being; and at one of the said General Meetings, or some Adjournment thereof, in each Year, a Dividend shall be made out of the Interests, Profits, or Advantages of the said Undertaking (unless such Meeting shall declare otherwise), and such Dividend shall be at and after the Rate of such Sum *per Centum* upon or for every Share in the said Undertaking as such Meeting shall think fit to order and determine; but no Dividend shall be made whereby the Capital of the said Company shall be reduced, nor shall any Dividend be paid in respect of any Share until all Calls for Money then made in respect thereof by virtue of this Act shall have been paid. *General Meetings to have Power to settle Accounts and declare Dividends.*

XXIII. And be it further enacted, That the said Company shall, at their First General Meeting or at some Adjournment thereof, elect and choose a Treasurer and a Clerk for transacting the Business of the said Company; and it shall be lawful for the said Company at any subsequent General or Special General Meeting to be holden as herein directed from Time to Time to remove and displace such Treasurer and Clerk or either of them, or any other Person who shall be elected and appointed to their respective Offices, and shall also from Time to Time elect, choose, and appoint in manner aforesaid any other Person to act as Treasurer or Clerk of the said Company in the Room of such of the said Officers as shall happen to die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or any of them as at any such General or Special General Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Company shall *General Meeting to appoint a Treasurer and Clerk.*

shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company for the faithful Execution of his Office before he shall enter thereupon.

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

XXIV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or, being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

General Meetings may make Bye Laws, &c.

XXV. And be it further enacted, That any General Meeting of the said Company shall and they are hereby authorized and empowered from Time to Time to make such Rules, Orders, Bye Laws, and Regulations as to them shall seem fit and proper for the Government, carrying on, Superintendence, and Management of the said Undertaking, and regulating the Proceedings of the Directors to be appointed by virtue of this Act, and the Duties and Conduct of all Officers, Workmen, and Servants to be employed in and about the Affairs and Business of the said Company, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and for regulating the Supply of Gas, and the Conduct of the Persons to be supplied therewith as to the Use of or Payment for the same, and from Time to Time to alter or repeal such Rules, Orders, Bye Laws, and Regulations, or any of them, and to make new or other Rules, Orders, Bye Laws, and Regulations, and also to impose and inflict such reasonable Fines and Forfeitures upon all Officers, Workmen, Servants, and other Persons to be employed in and about the Affairs and Business of the said Company, or in the Superintendence and Management of the said Undertaking, or who shall be supplied with such Gas as aforesaid, not exceeding the Sum of Five Pounds for any One Offence against such Rules, Orders, Bye Law

Laws, and Regulations, as to the said Company shall seem meet and expedient; and all Rules, Orders, Bye Laws, and Regulations so made as aforesaid, being reduced into Writing, and the Common Seal of the said Company thereto affixed, shall be binding upon all such Officers, Workmen, Servants, and other Persons, and shall be sufficient Authority in any Court of Law or Equity to justify all Persons who shall act under the same; provided such Rules, Orders, Bye Laws, and Regulations be not repugnant to the Laws or Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the express Directions or Provisions of this Act.

XXVI. And be it further enacted, That the Treasurer to be appointed by the said Company shall not issue any Sum on their Account without an Order made at a Meeting of the said Company, or without an Order in Writing signed by the Chairman of the Directors for the Time being and Two others at least of the said Directors present at the Meeting of the said Directors, ordering or directing such Issue of Money to be made; and the Receipt of such Treasurer for all Monies payable to the said Company shall be effectual Discharges for the same.

Treasurer
not to issue
Money with-
out Order of
Company or
Three of the
Directors.

XXVII. And be it further enacted, That at the First General Meeting of the said Company of Proprietors to be held next after the passing of this Act, or at some Adjournment thereof, Ten Directors for managing the Affairs of the said Company shall be elected by Ballot by the Proprietors present, or in case of Female Proprietors by their Proxies, at such Meeting, according to the Number of Votes which each such Proprietor shall or may be entitled to give as aforesaid, out of the Proprietors or Subscribers of Shares of and in the said Undertaking; and such Directors shall, when elected, be the Directors for managing the Affairs of the said Company until others shall be chosen in their Stead as herein-after mentioned.

Appointment
of Directors.

XXVIII. And be it further enacted, That at the General Meeting of the said Company to be held on the first *Monday* next after the Twenty-ninth Day of *September* in the Year of our Lord One Thousand eight hundred and thirty-five, or within Ten Days next after such Day, or at some Adjournment thereof, Five of the Directors who shall have been so elected as aforesaid (to be determined by Ballot among themselves) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons, who shall be Proprietors in the said Undertaking shall be elected by Ballot in manner before mentioned, and such Persons so elected shall be and continue to be Directors of the said Company until other Directors shall be elected and appointed in their Place and Stead; and at the General Meeting of the said Company to be held on the first *Monday* next after the Twenty-ninth Day of *September* in the Year of our Lord One thousand eight hundred and thirty-six, or within Ten Days next after such Day, or at some Adjournment thereof, the other Five of the said Directors who shall have been so primarily elected as aforesaid shall go out of Office, and cease to be Directors of the said Company, and an equal Number of Persons;

Fixing Period
for Directors
to serve.

[Local.]

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who

who shall be Proprietors in the said Undertaking, shall be elected by Ballot in manner before mentioned, and such Persons so elected shall be and continue to be Directors of the said Company until other Directors shall be elected and appointed in their Place and Stead; and at every General Meeting which shall be held in subsequent Years on the first *Monday* next after the Twenty-ninth Day of *September*, or within Ten Days then next after, or at some Adjournment thereof, Five of the said Directors who shall have been longest in Office shall go out of Office, and cease to be Directors of the said Company, and an equal Number of Persons, who shall be Proprietors in the said Undertaking, shall be elected by Ballot in manner before mentioned, and such Persons so elected shall be and continue to be Directors of the said Company until other Directors shall be elected and appointed in their Place and Stead: Provided always, that any of the said former Directors whose Office shall then have expired shall (if otherwise eligible) be again immediately re-eligible.

For supply-
ing Vacan-
cies.

XXIX. And be it further enacted, That when and so often as any one of the said Directors to be elected by virtue of this Act shall die, or become disqualified, it shall be lawful for the said Company, at any General Meeting to be held pursuant to the Directions of this Act, to elect some other Proprietor to be a Director in his Stead; and every such Proprietor so elected shall continue in Office as one of such Directors so long as the Person in whose Place or Stead he was elected would have been entitled to have continued if such Death or Disqualification had not happened.

Directors
not to con-
tract for
Work to be
done by
Company.

XXX. Provided always, and be it further enacted, That it shall not be lawful for any of the said Directors to enter into any Contract for or undertake to do or perform any Work under or by virtue of this Act; and if any such Director shall be or become a Dealer, either directly or indirectly, in any of the Articles to be provided or manufactured by the said Company, or shall participate in any Manner in any Work to be done for the said Company, every such Director shall be disqualified from interfering and voting in any Matter connected therewith to be discussed and argued by the said Directors; and if any Person hereby authorized or directed to be appointed, by virtue of this Act, one of the said Directors, shall at any Time cease to be a Proprietor in the said Undertaking, or shall refuse or neglect, unless prevented by Sickness or Absence from Home, to attend any Three successive Meetings of the said Directors, every such Person shall thereby cease to act or vote as such Director, and shall be disqualified as aforesaid, and thereupon another Proprietor shall be elected in the Stead of such defaulting Member to be one of the Directors.

Directors
not to be per-
sonally
liable.

XXXI. And be it further enacted, That no Director for the Time being of the said Company shall be personally answerable for the Performance of any Contract or Agreement into which he shall or may have entered as one of such Directors on behalf of the said Company; but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Directors on behalf of the said Company shall have full Power to resort to and
proceed

proceed against the said Company, either at Law or in Equity, for the Performance of every such Contract or Agreement, or for Damages occasioned by any Breach or Non-performance thereof.

XXXII. And be it further enacted, That all Notices herein directed to be given of any General or Special General Meeting or Adjournment respectively, or to any of the said Proprietors upon any Occasion not herein otherwise provided for, shall be given by Advertisement, to be inserted in the Newspaper called *The Macclesfield Courier and Herald*, or in some other Newspaper circulated in the Neighbourhood, signed by the Clerk of the said Company, or by Letter sent to each of the said Proprietors, or to the individual Proprietor entitled to such Notice (as the Case may be), by the said Clerk, through the Post Office at *Congleton* aforesaid, or by Notice, signed by such Clerk, to be affixed upon the outer Doors of the Guildhall and Church or Parochial Chapel of *Congleton* aforesaid; and such Advertisement, Letters, and Notice shall be deemed and considered the same as personal Notice.

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

XXXIII. And be it further enacted, That in case any Twenty or more of the said Proprietors, being collectively possessed of or entitled to Fifty or more Shares in the said Undertaking, shall think that there is any Reason to complain of the Conduct of the Directors for the Time being or of any One of them, or in case they shall think it necessary that any Vacancy of Directors occasioned by the Death or Disqualification of any of the said Directors should be supplied by the Election of another or others, then it shall be lawful for them to call a Special General Meeting of the said Company in manner herein-before mentioned; and it shall be lawful for the Proprietors then present, whether Directors or not, by the Majority of Votes, to be ascertained by Ballot as aforesaid, to remove all or any of the said Directors, and to elect others in their Stead, or in the Stead of any Director dead or disqualified as aforesaid; provided that if at any such Special General Meeting there shall not be Persons present, or in case of Female Proprietors by their Proxies, who shall be possessed of or entitled unto at least Fifty Shares in the said Undertaking, the Power hereby given unto the said Company to remove all or any of the Directors, and to elect others in their Stead, on account of any Complaint against the Conduct of such Directors, shall not be exercised, but the Meeting shall be adjourned for that particular Purpose to the same Place that Day Fortnight, and so from Time to Time until there shall be Persons present, or in case of Female Proprietors by their Proxies, who shall be possessed of or entitled unto at least Fifty Shares as aforesaid.

A certain Number of Proprietors may call a Special Meeting to remove any of the Directors, or to elect others, in certain Cases.

XXXIV. And be it further enacted, That the Directors to be from Time to Time appointed as aforesaid, or any Five or more of them, shall hold their First Meeting within Fourteen Days after their being appointed at such Time and Place within the said Borough of *Congleton* as they shall think proper, and shall have full Power and Authority to adjourn such First Meeting, and again to meet and adjourn from Time to Time and from Place to Place as they shall think fit; and the said Directors shall from Time to Time appoint one

Meetings of Directors, and Regulations for their Proceedings.

one of the Directors to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by the Majority in Number of the Members present; and in case of there being upon any Question an equal Number of Votes, including the Vote of the Chairman for the Time being, such Chairman shall have an additional or casting Vote; and if, on the Day appointed for any Meeting of the said Directors, Five Directors shall not attend, then and in such Case the Meeting shall be adjourned to the next Day, not being a *Saturday* or *Sunday*, and if the next Day shall be a *Saturday* or *Sunday*, then to the *Monday* following, by the Director or Directors then present, or if none be present, then by the Clerk to the said Company, or such other Person as shall attend in his Place; and any One or more of the said Directors, or the Clerk of the said Company by the Direction of any Five or more of them, may at any Time call a Meeting of all the Directors by causing Notice in Writing, signed by such Director or Directors, or by the Clerk of the said Company, to be sent by the Post or otherwise to the Residence or Address of every other Director, and also renew the Meetings of the Directors, although they may have been discontinued for Want of Adjournment, or to institute a new Meeting, independent of any Meeting appointed by Adjournment.

Powers of
Directors.

XXXV. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority at any Time to call Special General Meetings of the said Company of Proprietors for any Purpose they may think proper, and to appoint the Times and Places, in the said Borough of *Congleton*, of holding General and Special General Meetings; and also to direct the Affairs and Business of the said Undertaking, as well in issuing, receiving, laying out, and disposing of all Sums of Money to be issued or received, laid out or disposed of, for the Purposes of the said Company, as in contracting for and purchasing Buildings, Lands, Tenements, Hereditaments, Materials, Goods, and Chattels for the Use of the said Company, and entering into Agreements or Contracts for lighting with Gas the said Borough of *Congleton* and the said Township of *Buglawton*, and all and every or any such Roads, Streets, Ways, Lanes, and other public Passages and Places therein, or any Churches or Chapels, or any Theatres or Places of public Amusement, Manufactories, Shops, Inns, Taverns, Dwelling Houses, Buildings, or private Places, within the said Borough of *Congleton* and Township of *Buglawton*; and in nominating, electing, appointing, placing or displacing any Officer, Agent, or Servant of the said Company, (not being a Treasurer or Clerk of the said Company, who are to be elected and appointed at a General Meeting of the said Company, as herein-before mentioned,) with such Salaries, Gratuities, or other Recompence as to the said Directors shall seem proper; and in ordering, directing, and employing the Works and Workmen, and in selling and disposing of all Articles provided, produced, or manufactured under the Authority of this Act; and in bringing and maintaining any Action at Law or Suit in Equity in the Name of the Company for the Recovery of any Debt

Debt to become due to the said Company in respect of any such Sale or otherwise; and in making, enforcing, and rescinding, compounding and compromising, all Contracts and Bargains touching or in anywise concerning the same; subject to such Rules, Orders, Bye Laws, and Regulations as shall at any Time be made by virtue of this Act by the said Company of Proprietors, in Restraint, Controul, or Regulation of the Powers and Authorities by this Act granted; and the said Directors may require such Security to be given to the said Company from any Officer (not being a Treasurer or Clerk to the said Company) or other Person for the faithful Execution of their respective Duties, as they may think proper or reasonable.

XXXVI. And be it further enacted, That all Orders and Proceedings of the said Company, and also of the said Directors, made at any Meeting of the said Company and Directors respectively, shall be entered by their Clerk in a Book to be kept for that Purpose, and shall be signed by the Chairman for the Time being of such respective Meetings; and such Orders and Proceedings so entered and signed shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and Places whatsoever.

Proceedings
to be entered
in Books.

XXXVII. And be it further enacted, That the said Company shall and they are hereby required from Time to Time to order and direct a Book to be provided and kept by their Clerk for the Time being, in which Book such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book shall at all seasonable Times be open to the Inspection of the Proprietors in the said Undertaking, and all Persons respectively possessing or entitled to any Securities affecting or charged upon the Estate and Effects, Rents, and Profits of the said Company by virtue of this Act, who may take Copies thereof or Extracts therefrom without Fee or Reward; and in case the said Clerk shall refuse to permit or shall not permit the said Proprietors or other Persons as aforesaid to inspect the same at all seasonable Times, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds.

Accounts to
be kept of
Receipts and
Disburse-
ments.

XXXVIII. And be it further enacted, That all such Officers appointed by the said Company or the said Directors shall from Time to Time, when thereunto required, deliver to such Directors, or to such Person as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands of all Monies which they and every of them respectively shall have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their respective Hands to the said Directors for the Time being, or to such Person as they shall appoint to receive the same; and if any such Officer shall refuse or neglect to deliver up or produce such Accounts and the Vouchers relating to the same in manner aforesaid,

Officers to
render Ac-
counts when
required.

[*Local.*]

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said,

said, or shall refuse or neglect to pay the Money due on such Account, or if any such Officer shall refuse or neglect to deliver up to the said Directors, or to such Person as they shall appoint, within Ten Days after being thereunto required by the said Directors, all the Books, Papers, or Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Two Justices of the Peace for the County, Town, Division, or Place wherein such Officer shall be or reside, upon Complaint made before them by or on behalf of the said Directors, and such Justices are hereby required, to summon such Officer to appear before them, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account if produced; and if upon Confession of the Officer against whom any such Complaint shall be made, or by the Oath of any Witness (which Oath such Justices are hereby empowered and required to administer and take without Fee or Reward), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Money which shall have been collected or received shall be in the Hands of such Officer, such Justices may and they are hereby authorized and required, on Non-payment thereof, by a Warrant under their Hands and Seals to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer shall not appear before the said Justices at the Time and Place by them appointed for that Purpose, unless for some sufficient Reason, or, if appearing, shall refuse or neglect to give and deliver to such Justices an Account of all Receipts and Payments as aforesaid, or to produce and deliver up to such Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Justices may and they are hereby authorized and required, by a Warrant under their Hands and Seals, to commit such Officer to the Common Gaol or House of Correction for the County, Town, Division, or Place wherein such Officer shall be or reside, there to remain without Bail or Mainprize, in case he shall be committed for Nonpayment of any Money received by him or in his Hands, until he shall have accounted for and paid the full Amount thereof, or compounded with the said Directors and paid such Composition in such Manner as the said Directors shall appoint (which Composition the said Directors are hereby empowered to make); or in case he shall be committed for not delivering any Accounts, Books, Papers, or Writings as aforesaid, until he shall have delivered up such Accounts, Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Directors; provided that no Person who shall be so committed for Want of sufficient Distress as aforesaid shall be detained in Prison by virtue of this Act for a longer Space of Time than Three Calendar Months.

Executors
or Adminis-
trators of
deceased

XXXIX. And be it further enacted, That in case of the Death of any such Officer as last aforesaid before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of this Act,

Act, or made such Composition for the same as aforesaid, then and in every such Case the Executors or Administrators of such Officer so dying shall pay and satisfy the same out of the Estate and Effects of such Officer unto the said Directors, or any Person appointed by them in that Behalf, in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and also shall deliver up all Accounts, Books, Papers, Writings, and other Things concerning his Office, or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators, who shall and may plead such Payments in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Non-delivery of such Accounts, Books, Papers, Writings, and Things, for the Space of Fourteen Days after Demand made thereof in Writing by or on behalf of the said Directors, it shall be lawful for the said Directors to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators, for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Accounts, Books, Papers, Writings, and Things, in which Action full Costs of Suit shall be recoverable by the said Directors.

Officers to
account.

XL. Provided always, and be it further enacted, That nothing herein contained, or any thing to be done by virtue hereof, shall extend or be construed to extend to deprive the said Company of any Right of Action or Suit against the Surety of any Officer whomsoever to be appointed in execution of this Act for the Payment of any Monies remaining due to the said Company, or for the Nonperformance of any Covenant or Agreement entered into by such Officer to be appointed as aforesaid, or his Surety, touching any thing to be done under or in pursuance of this Act.

Not to pre-
judice Reme-
dies against
Sureties of
Officers.

XLI. And be it further enacted, That the said Company at any General Meeting, or at any Special General Meeting to be called for that Purpose, or any Adjournment thereof respectively, shall have full Power to make such Calls for Money from the several Proprietors of and Subscribers to the said Undertaking, their Executors, Administrators, Successors, and Assigns, as shall from Time to Time be found wanting and necessary for the Purposes of the said Undertaking, so that no One such Call exceeds the Sum of Five Pounds for or in respect of any One Share, and so that no Call be made but at the Distance of One Calendar Month at least from another, and so that the total Amount of such Calls shall not exceed the Sums subscribed for by the said several Proprietors; and 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 shall be paid at such Time and Place as shall be appointed at such General or Special General Meeting, of which Time and Place Ten Days Notice at least shall be given.

General
Meetings
may make
Calls on Sub-
scribers.

XLII. And be it further enacted, That if any Proprietor or Subscriber to the said Undertaking, his Executors, Administrators, Successors,

On default of
Payment on
Calls, Shares

to be forfeited.

Forfeited Shares may be sold after Notice given.

Successors, or Assigns, shall neglect or refuse to pay his Portion of the Money to be called for by any General or Special General Meeting as aforesaid by the Time appointed for Payment thereof, or within Twenty-one Days then next after, then and in such Case each such Proprietor or Subscriber so neglecting or refusing shall (whether the same shall have been then sued for in any Court of Law or Equity or not) absolutely forfeit his Share and Interest in the said Undertaking, and all Money theretofore advanced by him on account thereof, to and for the Use and Benefit of the said Company, unless otherwise determined by a Special General Meeting; and all Shares which shall and may be so forfeited shall be sold at a public Sale to the highest Bidder, and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided always, that no Advantage shall be taken of the Forfeiture of any such Share until after Fourteen Days Notice in Writing shall have been given, signed by the Chairman of some Meeting of the said Company or Three of the Directors thereof, to the Proprietor thereof, or left at his usual or last Place of Abode, if he shall reside within the said Borough of *Congleton* or the Township of *Buglawton*, and if not, then by Letter sent by the Post; and every such Forfeiture shall be an absolute Indemnification and Discharge to and for the Proprietor, his Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls.

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

XLIII. Provided also, and be it further enacted, That in case the Money produced by the Sale of any such Share shall be more than sufficient to pay all such Arrears of Call as aforesaid, and lawful Interest thereon, with the Expences attending such Sale, the Surplus of such Money shall be paid, on Demand, to the Person to whom such Share shall have belonged; but the said Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter than shall be sufficient, as near as may be, at the Time of such Call, to pay the Arrears due from such Defaulter for or on account of such Call, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share so vested in such Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Powers vested in the Company by this Act not alienable.

XLIV. And be it further enacted, That it shall not be lawful for the said Company at any Time hereafter to sell or dispose of any of the Powers or Authorities vested in them by this Act to any other Gas Light Company, or to any Person whomsoever.

Power to contract for the Purchase of Lands and Buildings.

XLV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time to contract and agree for the absolute Purchase of, and to hold to them and their Successors and Assigns, such Buildings, Lands, Tenements, and Hereditaments as they may think requisite for any of the Purposes

Purposes of this Act, not exceeding in the whole at any One Time any greater Quantity of Land than Three Statute Acres, and also to sell and dispose of such Buildings, Lands, Tenements, and Hereditaments as they shall think proper, and to purchase and hold other Buildings, Lands, Tenements, or Hereditaments as they shall think proper, not exceeding the Quantity aforesaid, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or any other Law or Statute whatsoever.

XLVI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, and all Tenants for Life and in Fee Tail, General or Special, or for any Term of Years absolute or determinable on any Life, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, and for all other Persons whomsoever who are or shall be seised, possessed of, or interested in any Buildings, Lands, Tenements, or Hereditaments, or any Part thereof which shall be thought necessary by the said Company to be purchased for the Uses and Purposes of this Act, such Lands not exceeding at any One Time Three Statute Acres, to 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 to the said Company for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be made by virtue of this Act shall, without any Fine or Recovery, or other Conveyance or Assurance in the Law whatsoever, and without Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Body Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, or other Person 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 of the Wives of such Persons, and all Estates Tail and other Estates in Possession, Reversion Remainder, or Expectancy, and the Issue of such Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by proper Parties in due Form of Law, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term of Years absolute or determinable on any Life, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all Persons are and shall be hereby indemnified for what they shall do by virtue of this Act.

Bodies Politic, &c. empowered to sell.

[*Local.*]

R

XLVII. And

Application
of Purchase
Money when
amounting to
200*l.* or up-
wards.

1 G. 4. c. 35.

XLVII. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, purchased by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or Person under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the *Congleton* Gas Light Company, pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the said Buildings, Lands, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Buildings, Lands, Tenements, or Hereditaments, or Part thereof, or other Buildings, Lands, Tenements, or Hereditaments settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Buildings, 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 Buildings, Lands, Tenements, and Hereditaments which shall be purchased for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application being 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 Person who would for the Time being have been entitled to the Rents and Profits of the said Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were then actually made.

XLVIII. Pro-

XLVIII. Provided always, and be it further enacted, That if any Money so contracted or agreed to be paid for any Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, purchased for the Purposes of this Act, belonging to any Body or Person 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 Body or Person for the Time being entitled to the Rents and Profits of the Buildings, Lands, Tenements, and Hereditaments, or Parts, Estates, or Interests so purchased, or of his Guardian or Committee in case of Infancy, Idiotcy, or Lunacy, and with the Approbation of Three or more of the Directors of the said Company, to be signified in Writing under their Common Seal, be paid into the Bank in the Name and with the Privy of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person making such Option, such Nomination to be approved of by Three or more of the Directors of the said Company, such Nomination and Approbation to be signified by Writing under the Hands or Common Seal of the nominating and approving Parties, in order that such Principal Money and the Dividends that arise thereon may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When less than 200*l.* and exceeding 20*l.*

XLIX. And be it further enacted, That where such Money so to be paid as last before mentioned shall not exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Buildings, Lands, Tenements, or Hereditaments, Estates and Interests, so to be purchased for the Purposes of this Act, in such Manner as the Directors of the said Company, or any Three or more of them, shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then to his Guardian or Committee, to and for the Use and Benefit of such Person so entitled respectively.

When not exceeding 20*l.*

L. And be it further enacted, That where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Buildings, Lands, Tenements, or Hereditaments, or for any Share, Estate, Right, or Interest in any Buildings, 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 Body or Person who shall have been in possession of such Buildings, Lands, Tenements, or Hereditaments, or Share, Estate, Right, or Interest therein, at the Time of such Purchase, and all Persons claiming under such Body or Person, or under the Possession of such Body or Person, shall be deemed and taken

In case of disputed Titles, Persons in possession to be deemed entitled thereto.

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

Expences of Purchases may be allowed by the Court.

LI. And be it further enacted, That where, by reason of any Disability or Incapacity of any Body or Person entitled to any Buildings, 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 Bank of *England* in the Name and with the Privy of the Accountant General of the said Court of Exchequer, and to be applied in the Purchase of other Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

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

Conveyance of Lands.

LIII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Buildings, Lands, Tenements, or Hereditaments to be made to the said Company of Proprietors and their Successors may 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 the County of _____ in consideration of the Sum of _____ paid to me [or us, or into the Bank of *England*, as the Case may be,] by the Company of Proprietors established under or by virtue of an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled [here insert the Title of this Act], do hereby grant and release [or assign, as the Case may be,] to the said Company of Proprietors and their Successors all [here describe the Premises to be conveyed],

And every such Sale, Conveyance, and Assurance so made shall at all Times be good, valid, and effectual to all Intents and Purposes whatsoever, *quoad* the Party making the same, and his Cestuique Trusts, and all other Persons claiming or to claim by, from, under, or in Trust for him, or in Remainder, Reversion, or Expectancy as aforesaid.

Empowering Company to resell Land not wanted.

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

Acres of Land; and in case the said Company shall afterwards sell the Whole or any Part of such Land so purchased, it shall not be lawful for the said Company to purchase of or for the same or any other Corporation or Person being under legal Disability or Incapacity as aforesaid to sell to the said Company any other Lands in lieu or instead of those so sold or disposed of by the said Company, or any Part thereof.

Power to
erect Works,
and break up
the Soil and
Pavement of
Streets, &c.
for laying
Pipes, &c.

LVI. And be it further enacted, That it shall be lawful for the said Company and they are hereby fully authorized and empowered, subject to the Provisions and Restrictions herein-after mentioned, by their Servants, Agents, Workmen, and others, from Time to Time to make, erect, sink, lay, place, and fix such Retorts, Gasometers, Receivers, Buildings, Cisterns, Engines, Machines, Cuts, Drains, Sewers, Watercourses, Reservoirs, Pipes, and other Works and Devices, of such Constructions and in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into execution; and also to break up the Soil and Pavement of any of the Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Borough of *Congleton* or Township of *Buglawton*; and to erect Posts, Pillars, Pilasters, Lamp Irons, Lamps, and other Apparatus in the same Roads, Streets, Ways, Lanes, and other public Passages and Places, or any of them, or against any Wall erected on or adjoining to them or any of them, and to dig and sink Trenches and Drains, and lay Mains and Pipes; and put Stopcocks, Syphons, Plugs, Branches, or other necessary Apparatus from such Pipes, in, under, across, and along such Roads, Streets, Ways, Lanes, and other public Passages and Places, and also, with such Consent as is herein-after mentioned, in, under, across, and along any Manufactory, public or private Building or Ground, in such Manner as shall be necessary for the Purpose of carrying this Act into execution, or supplying any such Lights as aforesaid; and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, Syphons, and Plugs, Branches, or other Apparatus; and also to carry, fit up, and furnish any Pipe, Cock, or Branch, or other necessary Apparatus; from any Main or Pipe laid in any Road, Street, Way, Lane, or other public Passage or Place by the said Company, by virtue of this Act, into or through any Dwelling House, Manufactory, public or private Building or Ground, for the Purpose of lighting the same, or any other public or private Lamp, from any of such Mains or Pipes; and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House, Manufactory, public or private Building or Ground, 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, Manufactory, public or private Building or Ground; and to do all such other Acts, Matters, and Things as the said Company shall from Time to Time think necessary and convenient for completing, amending, repairing, improving, supplying, and using the same, and for carrying into effect the Purposes and Meaning of

of this Act; provided a proper Compensation be made for any Damage done thereby.

LVII. And be it further enacted, That it shall not be lawful for the said Company to break, take up, or disturb the Pavement or Ground in any Road, Street, Way, Lane, or other public Passage or Place, for the Purpose of laying down any Main Pipe, (except Service Pipes of a Diameter not exceeding One Inch in the Bore,) without the Consent in Writing of the Surveyor, Inspectors, Commissioners, Trustees, or other Person having the Controul of such Pavement, Ground, Road, Street, Way, Lane, or other public Passage or Place respectively, first had and obtained; but nothing in this Act contained shall be deemed or construed to prevent the said Company from laying down, repairing, or altering such Main Pipe (after such Consent as aforesaid), or from opening, taking up, or removing any of the Ground, Stones, Soil, or Pavement, or otherwise, in or of any Road, Street, Way, Lane, or other public Passage or Place whatsoever, for the laying down, repairing, or altering of any such Service Pipes, or of any Apparatus leading from such Main Pipe, after such Consent as aforesaid: Provided always, that nothing herein contained shall authorize or empower the said Company to dig or sink any Trench or Drain, or to carry or lay any Pipe, Cock, or Branch from any Main or Pipe, into, through, or against any Dwelling House, Manufactory, public or private Building or Ground as aforesaid, or continue the same without the Consent of the Owner and Occupier for the Time being of every such House, Manufactory, Building, or Ground as aforesaid.

Restriction
as to the
breaking up
of Pavements,
Roads, &c.

LVIII. And be it further enacted, That (after such Consent as aforesaid) it shall not be lawful for the said Company to break or take up or disturb any of the Pavement or Ground in any Road, Street, Way, Lane, or other public Passage or Place, for the Purpose of laying down or repairing any Main Pipe (except Service Pipes as aforesaid), or of altering the Position of any such Main Pipe (except as aforesaid), unless Notice in Writing of their Intention to break or take up such Pavement or Ground, signed by the Clerk to the said Company, specifying the Road, Street, Way, Lane, or other public Passage or Place, and the particular Part thereof intended to be broken or taken up, shall have been given to the Surveyor or Superintendent for the Time being of such Road, Street, Way, Lane, or other public Passage or Place, or to the Surveyor of the District or Place wherein such Road, Street, Way, Lane, or other public Passage or Place (the Pavement, Ground, or Soil whereof is so intended to be broken or taken up,) shall be situate, or shall have been left for him at his Dwelling House or last Place of Abode for the Space of Twenty-four Hours at the least before such Pavement or Ground, or any Part thereof, shall be so broken or taken up, except in Cases of sudden Emergency, when such Notice shall be given as soon as possible after such Pavement or Ground, or any Part thereof, shall be broken or taken up; and if the said Company shall break or take up or disturb, or cause to be broken, taken up, or disturbed, any such Pavement or Ground, without such Consent as aforesaid, and without such Notice being given or left as aforesaid (except as aforesaid),

Notice to be
given of
breaking up
Pavements,
Roads, &c.

or

or shall break or take up or disturb any such Pavement or Ground, for the Purpose of laying down any Main, without such Consent as aforesaid, then and in every such Case the said Company shall forfeit and pay to the Surveyor, Inspectors, Commissioners, Trustees, or other Person having the Controul of the Pavement or Road, Ground or Soil, which shall be so broken or taken up or disturbed, any Sum of Money not exceeding Forty Shillings for every Square Yard of Pavement or Ground which shall be so broken or taken up without such Notice as aforesaid (except as aforesaid); the Amount of such Penalty to be adjudged, recovered, and levied in such Manner as other Penalties and Forfeitures by this Act imposed are directed to be recovered and levied.

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

Provision in
case of De-
fault.

LIX. And be it further enacted, That when and as often as the said Company shall have lawfully broken up or removed the Stones, Ground, Soil, or Pavement in or of any Road, Street, Way, Lane, or other public Passage or Place, or any Part thereof, the said Company shall and they are hereby required immediately thereafter to reinstate and make good such Stones, Ground, Soil, or Pavement, to the Satisfaction of the Surveyor, Inspectors, Commissioners, Trustees, or other Person having the Controul, Direction, or Superintendence of such Stones, Ground, Soil, or Pavement respectively; and the said Company shall carry or cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges; and during the Time that such Works are carrying on, and until such Stones, Ground, Soil, or Pavement is reinstated as aforesaid, the said Company shall provide necessary Lights at Night, and otherwise guard the said Works so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Company shall make default in reinstating any such Stones, Ground, Soil, or Pavement as aforesaid, or removing any Rubbish occasioned thereby, or in placing and setting up such Lights at Night, and otherwise guarding the said Works so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case it shall be lawful for the Surveyor, Inspectors, Commissioners, Trustees, or other Person having the Controul, Direction, or Superintendence of such Stones, Ground, Soil, or Pavement in the said Road, Street, Way, Lane, or other public Passage or Place respectively, to reinstate such Stones, Ground, Soil, and Pavement, and carry away all Rubbish occasioned thereby, and during the Time that such Works are carried on to provide necessary Lights at Night; and the Expence thereof shall be repaid by the said Company to the Person or Party so reinstating the same; and in default of Payment thereof within Twenty-eight Days next after Demand thereof in Writing shall have been made for and on behalf of such Surveyor, Inspectors, Commissioners, Trustees, or other Person, (Proof being made thereof by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the County, Town, Division, or Place where such Offence shall be committed,) all such Sums of Money so paid, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered, for the Use of such Person or Party, by Distress and Sale of the Goods and Chattels of the said Company, together with the
Charges

Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, who is and are hereby empowered to grant the same.

LX. Provided always, and be it further enacted, That the said Company, or their Successors, Servants, Agents, Workmen, or others, shall not, by any Work to be done by virtue of this Act, damage or injure any public Sewer or Drain within the said Borough of *Conington* or Township of *Buglawton*; and if any Damage or Injury shall be done by them or any of them to any such Sewer or Drain, the said Company or their Successors shall forthwith well and sufficiently repair and make good every such Damage or Injury; and on default thereof the Amount of such Damage or Injury, together with the Costs, Charges, and Expences of recovering the same, shall be recoverable by the Surveyors of the Highways for the Time being of the said Borough and Township respectively, or by the Person under whose Jurisdiction and Care such Sewer or Drain shall be, in case the Sum sought to be recovered shall not exceed the Sum of Twenty Pounds, by Distress and Sale of the Goods and Chattels of the said Company, in like Manner as any Penalty, Costs, or Expences may by this Act be recovered; or in case the Sum so sought to be recovered shall exceed the said Sum of Twenty Pounds, then the same may be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Damages to any public Sewer or Drain to be made good.

LXI. And be it further enacted, That if it shall at any Time be deemed necessary or expedient by the said Surveyor, Inspectors, Commissioners, Trustees, or other Person having the Controul, Direction, or Superintendence of the said Roads, Streets, Ways, Lanes, and other public Passages and Places respectively, to require the said Company to raise or sink or otherwise alter the Situation of any of the Pipes, Stopcocks, Plugs, or Branches which shall be laid down for the Purposes aforesaid, the said Company shall, at their own Expence, within Ten Days next after being required so to do by Notice in Writing to them given by the said Surveyor, Inspectors, Commissioners, Trustees, or other Person respectively, raise or sink such Pipes, Stopcocks, Plugs, or Branches according to such Notice; and in default thereof it shall be lawful for the said Surveyor, Inspectors, Commissioners, Trustees, or other Person aforesaid, to cause such Pipes, Stopcocks, Plugs, or Branches to be raised or sunk, and the reasonable Costs and Charges of doing the same shall immediately thereafter be paid by the said Company; and if the same be not paid within Twenty-eight Days next after Demand shall be made by the said Surveyor, Inspectors, Commissioners, Trustees, or other Person aforesaid, by Writing left at the Office of the said Company, Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the County, Town, Division, or Place where such Offence shall be committed, all such reasonable Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in like Manner as any Penalty, Costs, or Expences may by this Act be recovered.

Commissioners or Trustees of Roads, &c. may require the Company to alter the Positions of their Pipes.

Mode of Proceeding in case of Default.

[*Local.*]

T

LXII. Pro-

Damage
done to Pipes
by Inspec-
tors, &c. to
be made
good to the
Company.

LXII. Provided always, and be it further enacted, That if, by the raising, sinking, or altering any of the said Pipes, Stopcocks, Plugs, or Branches, any Damage or Injury shall be done to the same by the said Surveyor, Inspectors, Commissioners, Trustees, or their Servants, or such other Person aforesaid, then and in every such Case such Damage or Injury shall be made good to the said Company as soon as Circumstances will permit; and the Costs, Charges, and Expences thereof shall be paid to them, on Demand, by the said Surveyor, Inspectors, Commissioners, Trustees, or other Person aforesaid, and recovered in the same Manner as any Penalty hereby inflicted not specially provided for is to be recovered.

Company to
remove Pipes
when Tenants
quit, if re-
quired.

LXIII. Provided always, and be it further enacted, That in all Cases (where it is not otherwise stipulated and agreed) the said Company shall, at their own Expence, on the Expiration or Determination of the Tenancy of any Occupier so giving Consent as aforesaid, or within Ten Days after the Expiration or Determination of such Tenancy, upon receiving Fourteen Days Notice in Writing for the Purpose for or on behalf of the Owner or the succeeding Occupier of any such Dwelling House, Manufactory, public or private Building or Ground as aforesaid, remove, take, and carry away, or cause to be removed, taken, and carried away, any Pipe, Cock, or Branch from any Main Pipe which shall have been introduced or laid by the said Company in any such Dwelling House, Manufactory, public or private Building or Ground as aforesaid, pursuant to the Power for that Purpose herein-before contained, and repair and make good such Dwelling House, Manufactory, public or private Building or Ground where the same shall have been so introduced, any thing herein contained to the contrary thereof in anywise notwithstanding; and in default thereof it shall be lawful for such Owner or such new Occupier, as the Case may require, to cause such Pipe, Cock, or Branch to be removed, taken, and carried away, and the Dwelling House, Manufactory, public or private Building or Ground where the same shall have been introduced, to be repaired and made good; the reasonable Costs and Charges attending which shall be immediately paid by the said Company for the Time being to such Owner or Occupier, as the Case may require; and if the same Costs and Charges be not paid within Twenty-eight Days next after Demand shall be made by such Owner or Occupier, (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, Town, Division, or Place where such Offence shall be committed,) such Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace of the said County, Town, Division, or Place, and which Warrant such Justice or Justices is and are hereby empowered to grant.

Power for
Owners of
private Pro-

LXIV. Provided also, and be it further enacted, That in case any Pipe shall be carried or laid through, into, or against any Dwelling House, Manufactory, public or private Building or Ground, with such

such Consent as aforesaid, and after the same shall have been so laid and placed such Owner shall be desirous of having the same removed, it shall be lawful for such Owner at any Time thereafter, at his own Costs and Charges, to alter and vary the Position of such Pipe, and to relay the same, so that no Damage be done thereby to the said Company, and so that the said Company be not thereby prevented from or obstructed in lighting any public or private Lamp.

perty to alter
Position of
Pipes.

LXV. And be it further enacted, That the Branch or Service Pipes which shall be put down by the said Company for lighting with Gas the Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Borough of *Congleton* and Township of *Buglawton* respectively, under any Contract or Agreement, shall be kept fully charged with Gas, and the Stopcocks shall be so formed and turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Service Pipes
to be kept
fully charged
with Gas.

LXVI. And be it further enacted, That no Person shall lay any Pipe to communicate with any Pipe belonging to the said Company, nor fit or alter any of the Fittings of any Pipe or Lamp belonging to the said Company, without the Consent of the said Company in Writing first had and obtained, nor use Burners of larger Dimensions, or consume such Gas beyond the Time stipulated and agreed for, or in any other Manner than he shall contract to pay for, or supply any Inhabitant or other Person with any Part of such Gas, on pain of forfeiting and paying to the said Company the Sum [of Forty Shillings *per* Day for every Day such Pipe shall so remain, or such Excess be so committed, or such Supply furnished.

No Pipes of
Communica-
tion to be
laid without
the Consent
of the Com-
pany.

LXVII. And be it further enacted, That if any Person shall wilfully, maliciously, or negligently do or commit, or cause to be done or committed, any Injury or Damage to any of the Mains or Service Pipes of the said Company, either by removing or disturbing the Ground or Soil wherein or whereon the same is or are laid or placed, or by the Compression or subsequent settling or lowering of the same at any Time afterwards, or by any other Means whatsoever, or if any Person whomsoever shall wilfully or maliciously remove, destroy, damage, or injure any or any Part of any Pipe, Post, Plug, Lamp, or other Apparatus, Matter, or Thing hung out, set up, or belonging to the said Company, or by any Person at his private Expence, 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 shall for every separate Act or Offence forfeit and pay to the said Company, or to such Person as aforesaid, any Sum not exceeding Five Pounds, and the Amount of the Damage to be done thereby.

Penalty for
damaging
Pipes, &c.

LXVIII. And be it further enacted, That whenever the Water of any Person whomsoever shall be contaminated by the Gas of the said *Congleton* Gas Light Company, they shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and

Company to
prevent
Escape of
Gas and Con-
tamination,
&c. of Water.

and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the Person who shall have their Water contaminated as aforesaid; and in every such Case the said *Congleton* Gas Light Company shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any Person whomsoever, to be left at the usual Office of the said *Congleton* Gas Light Company, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating the Water of any Person as aforesaid; and in case the said *Congleton* Gas Light Company shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said *Congleton* Gas Light Company shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay, for the Use and Benefit of any Person who shall be so injured by such Contamination as aforesaid, over and above the before-mentioned Penalty to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the Water of such last-mentioned Person shall be and remain contaminated by the Gas of the said *Congleton* Gas Light Company; and in default of Payment thereof as aforesaid such Penalty shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, against the said *Congleton* Gas Light Company, before any Justice of the Peace for the County, Town, Division, or Place where such Offence shall be committed, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said *Congleton* Gas Light Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant.

For ascer-
taining if the
Water is
contami-
nated.

LXIX. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said *Congleton* Gas Light Company; be it therefore enacted, That in every such Case it shall be lawful for the Persons so aggrieved to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said *Congleton* Gas Light Company, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Company; and if it shall appear that the said Water has been contaminated by an Escape of Gas of the said *Congleton* Gas Light Company, the Costs and Expences of the said Digging, Search, and Repair of the Pavement of the Street which shall be taken up or disturbed shall be borne and paid by the said *Congleton* Gas Light Company; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, Conduits, or Apparatus of the said *Congleton* Gas Light Company, then and in such Case such
Person

Person so aggrieved shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and also shall make good to the said *Congleton* Gas Light Company any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said *Congleton* Gas Light Company in and by such Search and Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice of the Peace as aforesaid, and be recoverable in like Manner as any Penalty may be recovered by virtue of this Act.

LXX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company in pursuance of this Act, the said Company shall, at their own Expence, immediately after receiving Notice by Parol or in Writing from any Person whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in like Manner as any Penalty may be recovered by virtue of this Act.

For stopping
the Escape of
Gas.

LXXI. And be it further enacted, That when and so often as the said Company, their Servants, Agents, or Workmen, shall dig or sink any Trench for laying any Main or Pipe or other Apparatus, or shall open any Ground for the Purposes of this Act or any of them, in, upon, or near to which any Water Pipe shall have been laid or placed for the Purpose of conveying Water into or about the said Borough of *Congleton* or Township of *Buglawton* respectively, or any Branch of any such Water Pipe, for the Service or Supply of any Dwelling House, Manufactory, public or private Building within the said Borough or Township, the said Company, their Servants, Agents, or Workmen, shall and they are hereby required to give previous Notice thereof to the Proprietor or Person having the Controul of such Water Pipes for the Time being, or to the Occupier of such Dwelling House, Manufactory, public or private Building, supplied by such Branch or Service Pipe, as the Case may be; and on every such Occasion the said Company, their Servants, Agents, and Workmen, shall, under the Direction and Inspection of such Proprietor or Person or Occupier, or his Surveyor or Agent, as the Case may be, protect and secure such Pipe from any Injury or Damage, and shall also repair and make good any Damage that shall and may be done to any such Water Pipe on any such Occasion; and on default being made in any of the Matters aforesaid the said Company shall forfeit and pay to such Proprietor or Person or Occupier, as the Case may be, any Sum not exceeding Five Pounds, and shall also pay to such Proprietor or Person or Occupier, as the Case may be, the Costs

For the Pro-
tection of
Water Pipes

[*Local.*]

U

and

and Expences which shall have been incurred by him in the securing and protecting, or in repairing and making good any Injury or Damage that may be done to such Pipe by the Means aforesaid; such Costs and Expences, and also the Amount of such Penalty as aforesaid, to be ascertained, recovered, and levied in like Manner as any other Costs and Expences and Penalty may by virtue of this Act be ascertained, recovered, and levied.

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

LXXII. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, Way, Lane, or other public Passage or Place within the said Borough of *Congleton* and Township of *Buglawton* respectively, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down by or by the Order of any Company of Proprietors for the Time being, or other Owner or Proprietor of any Waterworks now established or hereafter to be established for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, Ways, Lanes, and other public Passages and Places, unless in Cases where it shall be unavoidably necessary to lay the said Gas Pipes or other Conduits across any of the Pipes of the said Company, or other Owner or Proprietor of Waterworks, in which Cases the said Gas Pipes or other Conduits shall be laid over or under such Water Pipes, as the Case may require, at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, or as nearly such as may be practicable; and in such Cases the said Gas Pipes or other Conduits so crossing the said Water Pipes of the said Company, or other Owner or Proprietor of Waterworks, shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes or other Conduits shall be nearer to any Part of the said Water Pipes than Three Feet at least where practicable, but if the same shall unavoidably be impracticable, then as near thereto as may be; and in laying down the said Gas Pipes or Conduits the said *Congleton* Gas Light Company shall in no Case join Two or more Gas Pipes or Conduits together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes or Conduits, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom and from every Part thereof, upon pain of forfeiting for every such Offence, if the said Gas Light Company shall refuse or neglect to make such Gas Pipes or other Conduits air-tight within Twenty-four Hours after Notice thereof given to them in Writing, the Sum of Five Pounds.

Penalty for conveying Washings, &c. into any River, &c.

LXXIII. And be it further enacted, That if the said Company of Proprietors, or any Person whomsoever, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed,

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

this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed, at the Discretion of the said Justice or Justices.

Gas to be
supplied
cheaper than
Oil.

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

Penalty for
interrupting
Company's
Workmen.

LXXV. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Company, or their Servants, Agents, or Workmen, or any of them, in doing or performing any of the Works, or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure such Interruption or Hindrance to take place, and shall be thereof convicted before any Justice or Justices of the Peace acting for the County, Town, Division, or Place wherein such Offence shall be committed, either on Evidence or on Confession, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum, to be adjudged by such Justice or Justices, not exceeding Forty Shillings, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption; and such Sum so adjudged as Penalty and Damages shall be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered; or the said Company may, at their own Option, sue for Damages sustained by them for such Hindrance or Interruption.

Remedy for
the Recovery
of Rents.

LXXVI. And be it further enacted, That in case any Surveyor, Inspectors, Commissioners, Trustees, or any other Person who shall enter into any Contract with the said Company for the lighting with Gas the said Borough and Township or either of them, and all and every or any of the Roads, Streets, Ways, Lanes, and other public Passages and Places therein, or agree to take, or shall use or enjoy, the said Gas either in their private Dwelling Houses, Shops, Inns, Taverns, or other Buildings, or Manufactories, Grounds, or Premises, or otherwise, shall refuse or neglect for the Space of Ten Days after Demand to pay the Sum of Money then due under their Contract or Agreement with the said Company, according to the Terms and Stipulations of the said respective Parties with the said Company,

Company, it shall be lawful for the said Company or their Clerk, or any Person acting by or under their Authority, by Warrant under the Hand and Seal of any one of the Justices of the Peace for the County, Town, Division, or Place where the Party owing the same shall reside, which Warrant such Justice is hereby required to grant, upon Confession or upon Proof of such Demand by the Oath of One credible Witness, to levy the said Sum of Money in respect whereof such Refusal or Neglect shall happen by Distress and Sale of the Goods and Chattels of the Surveyor, Inspectors, Commissioners, Trustees, or other Person so neglecting or refusing to pay the same, rendering the Overplus (if any) to the Owner of such Goods and Chattels after the necessary Charges of making such Distress and Sale shall be first deducted; and it shall be lawful for the said Company to cut off and take away the Supply of Gas so contracted for with the said Company.

LXXVII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

Damages and Charges, in Cases of Dispute, to be settled by Justices.

LXXVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

LXXIX. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person acting by or under their Authority, and such Sum of Money shall not be paid by the said Company to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Company or their

In case of Nonpayment of Compensation for Damages, &c.

[Local.]

X

Treasurer,

Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices (which Warrant any such Justice or Justices is and are hereby authorized and required to grant) under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in every such Case such Overplus shall be returned, on Demand, to the said Company or their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant or other Proceeding as aforesaid.

Recovery
and Applica-
tion of Penalties.

LXXX. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, or by any Rule, Order, Bye Law, or Regulation inflicted or imposed, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and be recovered before any Justice of the Peace for the County, Town, Division, or Place in which the said several Offences shall be committed, on and by the Oath of any Person, or on the Confession of the Party offending, which Oath such Justice is hereby authorized to administer; and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and where the Application of such Penalties and Forfeitures is not otherwise directed, one Half thereof, when recovered, after rendering the Surplus (if any), on Demand, to the Party 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 Half thereof to the Overseers of the Poor of the Township or Place in which the said Offender may then happen to reside, for the Use and Benefit of the Poor thereof; and in case such sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before him on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than

Eight

Eight Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no such Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereon such Penalties and Forfeitures can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction for the County, Town, Division, or Place wherein such Offence shall arise for any Time not exceeding Three Calendar Months.

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

‘ to wit: } **B**E 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 as the Case may
‘ be], . . . of His Majesty’s Justices of the Peace for the
‘ . . . by virtue of an Act passed in the Third Year of
‘ the Reign of His Majesty King *William* the Fourth, intituled [here
‘ set forth the Title of this Act], of having, [specifying the Offence, and
‘ the Time and Place when and where the same was committed, as the
‘ Case may be,] contrary to the said Act, and for which Offence I
‘ [or we, as the Case shall be,] do adjudge the said
‘ to have forfeited the Sum of Given under my
‘ Hand and Seal, [or, as the Case shall be, our Hands and Seals,] the
‘ Day and Year first above written.’

LXXXII. And be it further enacted, That no Person shall be subject or liable to the Payment of any Penalty or Forfeiture inflicted by virtue of this Act for any Offence against this Act, unless Information respecting such Offence shall have been lodged before some Justice of the Peace within Four Calendar Months next after such Offence committed. Information to be lodged within Four Calendar Months.

LXXXIII. Provided always, and be it further enacted, That any Person whomsoever thinking himself aggrieved by any Rule, Order, Bye Law, or Regulation to be made by virtue of this Act or any Alteration thereof, or by the Order or Determination of any Justice of the Peace in pursuance of this Act, may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the said County Palatine of *Chester*, or to be holden for the said Borough of *Congleton*, within Six Calendar Months after the Cause of Appeal shall have arisen, the Person appealing having first given at least Ten Days Notice in Writing of such Appeal, and the particular Nature and Matter thereof, to the Person appealed against, and forthwith after such Notice entering into a Recognizance before some Power of Appeal to General or Quarter Sessions.

some Justice of the Peace for such County or for such Borough, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County or Borough, 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, Order, Bye Law, Regulation, 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 think reasonable or proper; and all such Determinations of the said Justices at such General or Quarter Sessions shall be binding, final, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Compelling
the Attend-
ance of Wit-
nesses.

LXXXIV. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecution or on behalf of the Person accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect of appearing, or appearing shall refuse to be examined upon Oath, or, in case of a Quaker, on solemn Affirmation (which Oath or Affirmation such Justice is hereby authorized and required to administer), and to give Evidence before such Justice of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered as is herein-before directed as to other Penalties imposed by the Authority of this Act.

Persons
giving false
Evidence to
be punished.

LXXXV. And be it further enacted, That if any Witness who shall be examined by or before any Justice of the Peace under this Act upon Oath shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he so giving false Evidence shall be subject to the same Punishment as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Distresses
not unlawful
for Want of
Form.

LXXXVI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied under the Authority of this Act, or any Rule, Order, Bye Law, or Regulation made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser on account of any Defect or Want of Form in any Proceeding relating thereto, nor a Trespasser *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person aggrieved by such Irregularity may recover Satisfaction for special Damages in an Action on the Case.

LXXXVII. And

LXXXVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person to serve any Notice upon the said Company, or any Writ or other legal Proceeding, or Proceedings in Equity, the Service thereof upon the Clerk of the said Company, or at any of the Offices of the said Company, or left at the last or usual Place of Abode of the Clerk of the said Company, or in case the Residence of the said Clerk be not known, then Service upon any Agent or other Officer employed by the said Company, or upon any one of the said Directors, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the same Company.

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

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

Proceedings not to be quashed for Want of Form or removed by Certiorari.

LXXXIX. And be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person from proceeding against the said Company, or against any of their Servants, Agents, 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 any of the said Company, or any of their Servants, Agents, or Workmen, for any Injury sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting or the Carelessness or Want of Skill of the Persons employed thereon.

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

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

For paying the Expences of this Act.

XCI. And be it further enacted, That wherever in this Act Words importing the Singular Number or Masculine Gender only have been used, yet the same shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies Politic and Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and wherever any Forfeiture or Penalty is payable to a Party aggrieved, it shall be payable to a Body Politic or Corporate in every Case where such Body shall be the Party aggrieved.

Explaining Import of certain Words.

XCII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, their respective Rights, Privileges, and Franchises, in such and the same Manner as if this Act had not been passed; and nothing in this Act contained shall extend or be deemed

General Saving.

[Local.]

Y

or

or construed to extend to interfere with, alter, lessen, or in any Manner affect the Rights, Powers, and Authorities heretofore given or granted to or vested in any Surveyor, Inspectors, Commissioners, Trustees, Bodies Politic or Corporate, or other Persons having the Superintendence, Controul, or Management of any Road, Street, Way, Lane, or other public Passage or Place, or any Pavement, Ground, or Soil of or in any such Road, Street, Way, Lane, or other public Passage or Place.

Public Act.

XCIIL. 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.

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