



ANNO QUARTO

# GEORGIIV. REGIS.

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## *Cap. lxxiv.*

An Act for lighting with Gas the City of *York*,  
and the Suburbs and Vicinity thereof.

[30th *May* 1823.]

**W**HEREAS the City of *York* is large and populous, and it would be of great Benefit to the Inhabitants thereof and to the Public at large, if the Streets and other public Passages and Places therein, and the Suburbs and Vicinity thereof, were better lighted: And whereas the Mayor and Commonalty of the said City are or claim to be Lords of the Soil of the principal Streets, Lanes, and other public Places within the said City and the Suburbs thereof, (except such Parts thereof as are within the Liberty of *Saint Peter* of *York*): And whereas Inflammable Air or Gas may be obtained from Oil, Coal, and other Materials; and Coke, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be procured from Coal and other Substances: And whereas the said Inflammable Air or Gas, being conveyed by Means of Pipes, may be used for lighting the several Streets, Squares, Market Places, Courts, Yards, Passages, Lanes, Highways, and other Places within the said City, and for lighting private Houses, Shops, Inns, Taverns, Counting-houses, Warehouses, and public Works and Manufactories, and other Buildings; and the said Coke may be usefully employed as Fuel, and the said Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be used and applied in various Ways with great Advantage: And whereas the several Persons herein-after named are willing and desirous, at their own Cost and Charges, to effect the several beneficial Purposes aforesaid;

[*Local.*]

Company  
incorporated.

Their Style.

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 *William Alexander, William Henry Alexander, Joseph Agar the elder, Joseph Agar the younger, George Bulmer, James Bulmer, Francis Bulmer, John Brook, George Brown, William Baynes, William Bulmer Clerk, James Barra, James Barber, Richard Burdekin, John Allanson Bulmer, William Blanshard, Varley Bealby, Henry Bland, William Barnes, Robert Chaloner, William Coates, Samuel Cowling, George Cooper, George Champney, John Catton, William Cattell, Richard Drake, James Day, William Dunsley, Adam Dale, Robert Davis, Edward Day, Thomas Etridge, John L Eyre, Robert Ellis Clerk, William Ellis, George Ellis, William Fisher, John Flintoft, Anthony Graves, Joseph Gibson, Thomas Gregory, F F Geldard, William Hale, John Harwood, Richard Hornby the younger, Richard Hobson, William Hall, William Hotham, Benjamin Hornor, William Hutchinson Hearon, J F Hall, George Jennings, Thomas Knowles, Richard Lund, Robert Lakeland, John Mason, Thomas Mason, Thomas Norton, William Oldfield, Edward Prest, William Prest, Henry Prest, John Prest, George Peacock, Nathaniel Parkinson, John Roper, William F Roper, Henry Ransom, Peter Rymer, Charles Robinson, Thomas Rishworth, James Rishworth, B Rayment, Isaac Spencer, Isaac Spencer the younger, William Simpson, Thomas Smith, William Smith Clerk, James Saunders, Henry Stead, Edward Stead, William Smith, Henry Strickland, Joseph Thomas Tuite, Cook Cooper Taylor, John Tweedy, John Drumelzier Tweedy, James Thompson, James Tuite, Samuel Tuke, Frances Theakstone, Anthony Thorpe, Michael Taylor, Thomas Wilson, Joseph Bilton Wilson, Christopher Waud, Thomas Wood Wilson, John Walker, John Wolstenholme, Richard Wormald, Joseph Wood, Smith Wormald, William Watson, and all and every such other Person and Persons as shall from Time to Time become a Subscriber and Subscribers, and be duly admitted a Proprietor and Proprietors as hereinafter mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be one Body Politic and Corporate, by the Name of *The York Gas Light Company*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded at Law or in Equity, and shall and may prefer and prosecute any Bill of Indictment against any Person or Persons who shall commit any Felony or Offence indictable by the Laws of this Realm; and the said Company shall be established for the Purpose of producing Inflammable Air or Gas, Coke, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and other Products, from Oil, Coal, or other Substances, and for lighting the said City, Suburbs, and Vicinity with Gas; and shall have full Power from Time to Time to make Contracts or agree with the Commissioners, Assessors, or other Persons acting under the Authority of any Act or Acts of Parliament for lighting or otherwise improving the said City, Suburbs, and Vicinity, any or either of them, or with any other Persons or Person, Body Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, who may be willing to contract or agree with the said Company, for the lighting with Gas the said City, Suburbs, and Vicinity, any or either of them, or any public Streets, Squares, Highways, Market Places, Courts, Yards,*

Yards, Passages, Lanes, private Houses, Shops, Inns, Taverns, Counting-houses, Warehouses, and public Works and Manufactories, and other Buildings of whatever Denomination the same may be, or any of them, within the said City, Suburbs, and Vicinity, any or either of them respectively; and to sell and dispose of such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and other Produce as aforesaid.

II. And be it further enacted, That in order to enable the said Company to construct or make Gasometers and other Manufactories and Works necessary for the Purposes of this Act, it shall be lawful for the said Company, or their Committee of Management to be appointed in pursuance of this Act for the Time being, and they are hereby respectively empowered, to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments, not exceeding in the whole the Space of Three Statute Acres, within the said City, Suburbs, and Vicinity, or any of them, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, and also with all Femes Covert who are or shall be seised, possessed of, or interested in their own Right; or with any Person or Persons whomsoever, who shall be willing to sell the same, or his, her, or their Right and Interest in the same, for the Uses and Purposes of this Act; and it shall be lawful for the said Company and their Successors, to hold such Lands, Tenements and Hereditaments, and any Term, Right, and Interest therein so purchased as aforesaid, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever; and also at any Time or Times thereafter, to sell or dispose of the said Lands, Tenements, or Hereditaments, or any of them, as they shall think proper; and from Time to Time to purchase and hold other Lands, Tenements, or Hereditaments, more suitable for the Uses and Purposes of this Act, and again to sell the same in like Manner, subject to the Provisions and Directions in this Act contained.

Power to purchase Lands, &c.

III. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Persons under any Disability of acting for themselves, and also for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every other Persons and Person whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments,

Bodies Politic, &c. empowered to sell.

ditaments, which shall be thought necessary by the said Company to be purchased for the Uses and Purposes of this Act, to contract and agree with the said Company, or the said Committee of Management, for the Sale thereof, or of any Part thereof; and to sell and convey the same or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Company and their Successors, for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuique Trusts, and of all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowers of the Wife and Wives of such Party or Parties, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Party and Parties claiming under them, or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever; to the contrary thereof in anywise notwithstanding; and all Bodies Corporate or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act.

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

IV. And be it further enacted, That if any Money shall be contracted and agreed to be paid for any Lands, Tenements, or Hereditaments, purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte The York Gas Light Company*, to the Intent that such Money may be applied under the Direction and with the Approbation of the said Court, (to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Party or Parties who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments), in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments,

ditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be purchased for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, 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 Party or Parties who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

V. Provided always, and be it further enacted, That if any Money so contracted and agreed to be paid for any Lands, Tenements, or Hereditaments, to be purchased for the Purposes of this Act, which shall belong to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any other Person or Persons under 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 Party or Parties for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in cases of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account in manner 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 Party or Parties making such Option, and approved by Three or more of the Committee of Management of the said Company (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends to arise thereon may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

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

VI. Provided also, and be it further enacted, That where such Money so contracted and agreed to be paid as aforesaid shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased for the Purposes of this Act, in such Manner as the said Committee of Management, or any Three or more of them, shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then to the Guardian or Guardians, Committee or Committees of the Infants, Idiots, or Lunatics

Application  
of Money  
not exceed-  
ing 20*l.*

entitled to such Rents and Profits, to and for the Use and Benefit of such Infants, Idiots, or Lunatics respectively.

In case of questionable Titles, Persons in possession to be deemed the Owners.

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

Costs of Purchases to be made in lieu of settled Estates, to be defrayed by the Company.

VIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Party or Parties entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, or by reason of such Lands, Tenements, or Hereditaments being held upon or under or subject to Trusts then subsisting and undetermined, the Purchase Money for the same shall be required to be paid into the Bank of *England*, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of making Contracts for and completing all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

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

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

be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed and assured the same Lands, Tenements, and Hereditaments unto the said Company, their Successors and Assigns, conformably to the Directions and according to the Form herein prescribed.

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

‘ I [or, We, as the Case may be,] of in Form of  
 ‘ Consideration of the Sum of paid to Conveyance.  
 ‘ me, [or, us, or, into the Bank of England, as the Case may be] by “ The  
 ‘ York Gas Light Company,” do hereby grant, release, convey, and con-  
 ‘ firm [or, assign, as the Case may be] to the said Company and their  
 ‘ Successors, all [describe the Premises to be conveyed] and all my [or, our]  
 ‘ Right, Title, Estate, and Interest in and to the same and every Part  
 ‘ thereof, to hold the same to the said Company and their Successors and  
 ‘ Assigns for ever [or, as the Case may be, during all the Remainder of  
 ‘ my, or, our, Term, Estate, or Interest in the said Premises.] In Wit-  
 ‘ ness whereof, I, [or, we,] have hereunto set my Hand and Seal [or,  
 ‘ our Hands and Seals, or, our Common Seal, as the Case may be] this  
 ‘ Day of in the Year  
 ‘ of our Lord

Which Sale, Conveyance, and Assurance so made, shall at all Times be good, valid, and effectual, to all Intents and Purposes whatsoever, *quoad* the Party or Parties making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming or to claim by, from, under, or in trust for him, her, or them respectively.

XI. And be it further enacted, That it shall be lawful for the said Company, from Time to Time, to sell and dispose of, and by Indenture or Indentures under their Common Seal to grant and convey, by way of absolute Sale in Fee Simple, for a competent Consideration in Money, all or any Part or Parts of the Lands, Tenements or Hereditaments, which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall and may be lawful for the Treasurer (if only One, or if more than One, for the Treasurers, who, if engaged in Partnership together, may sign in their Style or Firm by any One of such Firm) for the Time being, to the said Company, to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge to any Purchaser or Purchasers for the Money therein and thereby expressed or acknowledged to be received; and such Purchaser or Purchasers having *bond fide* paid the same, and obtained such Receipt or Receipts for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Re-sale of  
Lands not  
wanted.

XII. And

Restraining  
Company  
from pur-  
chasing more  
than Three  
Acres of  
Land from  
incapacitated  
Persons.

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

Capital  
Stock not to  
exceed  
16,000*l.*

XIII. And be it further enacted, That the Capital or Joint Stock of the said Company, to be used and applied in establishing and carrying on the said Undertaking and the Purposes aforesaid, shall not exceed the Sum of Sixteen thousand Pounds; and that the said Company shall not be authorized to enter upon the Execution of any of the Works for which Powers are hereby given, until the said Sum of Sixteen thousand Pounds shall have been first subscribed for that Purpose.

Power to  
raise more  
Money, if ne-

XIV. And be it further enacted, That in case the aforesaid Sum of Sixteen thousand Pounds shall be found insufficient for the Purposes of this



this Act, then it shall be lawful for the said Company from Time to Time to raise any further Sum or Sums of Money for completing or extending their Undertaking, and defraying all necessary Charges relating thereto, not exceeding in the whole the Sum of Four thousand Pounds, either by way of Loan on Security of the Property and Effects belonging to the said Company, or by raising and creating new and additional Shares in the said Concern, or by both of the said Ways and Methods; and in case it shall at any Time or Times be deemed advisable by the said Company to raise any Part or Parts of the said further Sum of Four thousand Pounds by way of Loan, then it shall be lawful for the said Company, or their Committee of Management for the Time being, by and with the Advice and Direction of any General Assembly of the said Company, to borrow and take up the same at Interest for the said Company, and thereupon to grant, execute, and deliver to or in favour of the Lenders thereof, such Mortgages, Bonds, Obligations, or other Securities, in Writing, as may be required, thereby binding the said Company, and the Estate, Stock, and Trade thereof, for the Repayment of the Sum or Sums so borrowed, with Interest for the same; and in case it shall at any Time or Times be deemed advisable by the said Company to raise any Part or Parts of the said further Sum of Four thousand Pounds by the Creation of new and additional Shares in the said Undertaking, then it shall be lawful for the said Company to raise the same amongst themselves, in such Proportions as to them shall seem meet, or by the Admission of new Subscribers into the said Concern, and for that Purpose to create such Number of new and additional Shares of Twenty-five Pounds each, as may be deemed expedient; and every Subscriber towards raising such further Sum by Shares shall be a Proprietor in the said Undertaking, and shall have a like Vote for himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits, Privileges, and Advantages of the said Undertaking, and shall be liable to the like Burthens, in proportion to the Amount of his, her, or their Subscriptions, as generally and extensively, to all Intents and Purposes, as if such further Sum had been originally Part of the said Capital Stock of Sixteen thousand Pounds; any thing herein contained to the contrary thereof in anywise notwithstanding.

cessary, by  
Loan or new  
Shares.

XV. And be it further enacted, That all and every Persons and Person, Bodies Corporate and Politic, by or from 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 the raising of the said Capital Sum of Sixteen thousand Pounds as aforesaid, his, her, or their Executors, Administrators, Successors, and Assigns respectively, shall have and be entitled to a Share of and in the said Capital Joint Stock of the said Company, in proportion to the Monies which he, she, or they shall have contributed towards the same, and shall have and be entitled to a proportionable Share of the Profits and Advantages attending the Capital Stock of the said Company, and shall be admitted to be a Proprietor or Proprietors of and in the same.

Subscribers  
to share in  
the Stock, in  
proportion to  
their Sub-  
scriptions.

XVI. Provided always, and be it further enacted, That the Estate and Effects of the said Company shall at all Times be liable and answerable for

[Local.]

17 U

Company's  
Effects an-  
swerable for

the Debts owing therefrom, and the Shareholders to the Amount of their Subscriptions.

able for the just Debts and Demands of the Creditors of the said Company ; and that the several Persons and Bodies Corporate and Politic composing the said Company, shall respectively stand responsible for all just Debts and Demands of the Creditors of the said Company, rateably and in proportion to the Number and Amount of their respective Shares in the Capital of the said Joint Stock : Provided always, that whenever Two or more Persons shall have jointly subscribed for or shall be jointly possessed of any One or more Share or Shares in the said Undertaking, such Persons shall severally and respectively be answerable for the proportional Amount of such Share or Shares, but not further or otherwise, as aforesaid.

Stock to be divided into Twenty-five Shares of 25*l.* Sterling each, and to be Personal Estate ; and no Subscriber to hold more than Twenty-five Shares.

XVII. And be it further enacted, That the said Sum of Sixteen thousand Pounds shall be divided into Shares of Twenty-five Pounds Sterling each ; and that no Person or Persons, or Bodies Corporate or Politic, shall be a Subscriber or Subscribers for a less Sum than Twenty-five Pounds Sterling, nor hold more than Thirty Shares, unless the Excess shall devolve to him, her, or them by Marriage or Death ; and all Shares in the said Undertaking, and in the net Profits and Advantages thereof, shall be deemed Personal Estate (and not of the Nature of Real Property), and shall be transmissible accordingly.

To compel Payment of Subscriptions.

XVIII. And be it further enacted, That the several Persons, and Bodies Corporate and Politic, who have subscribed for or towards the said Undertaking, or who shall at any Time hereafter have or hold any Share or Shares in the same, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed and to be subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for, pursuant to or by virtue of the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the said Company, or their Committee of Management ; and in case any Person or Persons, or Bodies Corporate or Politic, shall neglect or refuse to pay any such Money, at such Times and in such Manner as shall be ordered and directed by the said Company, or their Committee of Management as aforesaid, it shall be lawful for the said Company to sue for and recover the same, by Action of Debt or otherwise, in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from such appointed Time of Payment, and all Costs of Suit, from such Person or Persons, or Bodies Corporate and Politic respectively ; or in cases where Two or more Persons, or Bodies Corporate and Politic, shall have jointly subscribed for or be jointly possessed of any One or more Share or Shares in the said Undertaking, then from all, any, or either of such joint Subscribers.

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

XIX. And be it further enacted, That the said Company shall and they are hereby required, within Three Calendar Months after the passing of this Act, to cause the Names and Designations of the several Persons, and Bodies Corporate and Politic, who have subscribed for or may be entitled to a Share or Shares in the said Joint Stock, with the Number of Shares possessed by each Subscriber, 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 to the said Company, to be appointed as herein-after mentioned ; and after such Entry, a Certificate under the

Common Seal of the said Company shall be delivered to every Proprietor, or in case of more Persons than One being jointly interested, then to any one of them upon Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Joint Stock; and such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, or Assigns, to the Share or Shares therein specified; but the want of such Certificate shall not hinder the Proprietor of any such Share from selling or disposing thereof; and in case such Certificate shall not be produced or forthcoming, the said Entry or a true Copy thereof shall be deemed sufficient *prima facie* Evidence of Title.

XX. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall, for the Purposes of this Act, be deemed and taken to be the Owner or Proprietor of such Share or Shares; and all Notices hereby required to be given to the Owner or Proprietor of any Share or Shares in the said Company, shall and may be given or sent to such Person whose Name shall so stand first in the Books of the said Company; and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares, for all the Purposes for which such Notice is intended to be given to the Owner or Proprietor of any such Share or Shares; and such Owners or Proprietors shall be entitled to give their Vote or Votes in respect thereof, by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

The Person whose Name stands first as a Joint Proprietor with others, to be deemed the Owner, and to be entitled to vote.

XXI. And be it further enacted, That in case any Proprietor or Proprietors entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Meetings, by his, her, or their Committee, or any one of such Committee; and such Minor or Minors shall and may vote by his, her, or their Guardian, or any one of such Guardians: Provided also, that the Appointment of such Committee or Guardian shall be produced at every Meeting at which he or she may so offer to vote; but such Person or Party may also vote in Right of his own Shares, as well as Committee of any Lunatic or Lunatics, and as Guardian of any Minor or Minors, on the same Occasion.

Lunatics may vote by their Committees, and Minors by their Guardians.

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

Shares may be transferred.

‘ KNOW all Men by these Presents, That I [or we] the undersigned  
 of [as the Case may require]  
 in Consideration of the Sum of of lawful Money current

' rent in *England* paid to me [*or us*] by do hereby bargain,  
 ' sell, assign, and transfer to the said the Sum of  
 ' Capital Stock of and in "The *York Gas Light*  
 ' Company," being my [*or our*] Share [*or Shares*] Number [*or*  
 ' Numbers] therein, to hold to the said Executors,  
 ' Administrators, and Assigns, according to the same Rules, Orders, and  
 ' Restrictions, and on the same Conditions, that I [*or we*] the said  
 ' held the same 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 same Rules, Orders, Restriction-  
 ' tions, and Conditions. In witness whereof, I [*or we*] have hereunto  
 ' set my [*or our*] Hand and Seal [*or Hands and Seals, as the Case may*  
 ' require] this Day of in the Year of our  
 ' Lord

Transfers to  
be registered.

Which Transfer shall be executed by all the Parties thereto, and be deposited with the Clerk of the said Company for the Time being, to be filed by him, and kept for the Use of the said Company ; but for the Security of the Purchaser or Purchasers, a Duplicate of such Transfer, executed as aforesaid, shall be made and kept by the Purchaser or Purchasers of such Share or Shares ; and every such Transfer which shall appear to be regular, shall be registered in the Books of the said Company, by an Entry of the Date of such Registry and the Date of such Transfer, together with the Names of the Parties thereto, and the Numbers of the Shares transferred, with such other Particulars as shall from Time to Time be determined on by the Committee of Management for the Time being, for which Entry or Registry the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Clerk or other Officer making the same, who, after such Transfer shall have been entered and registered as aforesaid shall, upon Request of the Purchaser or Purchasers, endorse a Certificate thereof upon the Duplicate of such Transfer.

Purchasers to have their Shares Six Months before they can vote ; but Proprietors not to be prevented voting in respect of Shares accruing by Marriage or Death.

XXIII. Provided always, and be it further enacted, That after the Expiration of Twelve Calendar Months from the passing of this Act, no Person or Persons, or Body Corporate or Politic, who shall purchase any Share or Shares in the Joint Stock of the said Company, shall be admitted to vote for the same, until such Person or Persons, or Body Corporate or Politic, shall have been in Possession of such purchased Share or Shares for the full Term of Six Calendar Months, to be computed from the Date of registering the Transfer thereof in the said Books of the said Company ; but this Provision shall not operate to prevent or hinder any Person or Persons from voting immediately after the same shall have been registered, for or in respect of the Share or Shares which shall devolve to him, her, or them by Marriage or Death.

Registers and Copies thereof to be Evidence ; and until Registry no Proprietor to be entitled.

XXIV. And be it further enacted, That the Register Book of Shares of the said Company, or a Copy of the Entry or Registry therein of the Transfer of any Share upon Sale, or any other Disposition or Alteration in the Proprietorship thereof, by Marriage or Death or otherwise, to be ascertained as herein-before directed and authorized (such Copy being signed by the Clerk or other Officer of the said Company having the Custody of the said Book of Registry), shall respectively be sufficient Evidence of every such Sale, Transfer, or other Disposition or Alteration in

in the Proprietorship thereof, and shall be accounted as such in all Disputes, and in all Trials before any Court, and by all Judges, Justices, and others; and until such Transfer, Disposition, or Alteration shall be entered or registered in the Books of the said Company as aforesaid, no Purchaser or Purchasers, or other Person or Persons, or Bodies Corporate or Politic, claiming Interest in any such Share or Shares in the said Undertaking, or in the Profits and Advantages thereof, shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, disposed of, or otherwise altered; nor be entitled to vote at any Meeting or Meetings as Proprietor or Proprietors of the said Undertaking.

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

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

XXVI. And be it further enacted, That the Affairs and Concerns of the said Company shall be conducted and managed under and subject to the several Rules and Regulations herein-after contained; (that is to say), the Proprietors of Shares in the said Undertaking shall assemble together at *Clark's Hotel*, or at some other Place in the City of *York*, at Eleven of the Clock in the Forenoon, within Thirty Days next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed in the Execution of this Act; and shall and may adjourn to or shall assemble at such other Times and Places as they shall be duly convened to, in manner herein-after mentioned; and every such Assembly shall be styled "A General Meeting," and Two such Meetings shall be held in every Year, on the First *Tuesday* in the Month of *January* and the First *Tuesday* in the Month of *July*, which shall be styled "Half Yearly General Meetings;" of which said Meetings, as well as of any Special General Meeting to be called as herein-after provided, Ten Days previous Notice shall be given; and that Ten or more of the said Proprietors holding collectively not less than Fifty Shares may, by Notice in Writing under their Hands (of which a Copy shall be delivered to the Clerk for the Time being to the said Company), call a Special General Meeting, so as the Object for which such Meeting shall be called, and the Time and Place where such Meeting is intended to be held, be expressed in such Notice, and so as such Notice be given Ten Days at least before the Day of Meeting; and no Business shall be transacted at any Special General Meeting than the Business for which it shall have been called; and every General Meeting and Special General Meeting may be adjourned from Time to Time, and from Place to Place, within the said City, Suburbs, or Vicinity, as shall be found expedient; and no other Business shall be transacted at any Adjourned Special General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place; and in case any Adjournment of a General or Special General Meeting shall take place, Three Days previous Notice shall be given of the Time and Place when and where such Adjourned Meeting is intended to be holden.

Regulations for Meetings of the Company.

Manner of  
voting.

XXVII. And be it further enacted, That at every General or Special General Meeting a Chairman shall be appointed; and all Questions shall be decided by a Majority of Votes of the Proprietors present or their respective Committees or Guardians (who shall not decline to vote) according to their respective Number of Shares; and every Proprietor shall be entitled to One Vote for and in respect of every Share of which he shall be possessed, but no Proprietor shall be entitled to vote for or in respect of more than Thirty Shares, nor shall any Person be entitled to vote at any General or Special General Meeting of the said Company, or any Adjournment thereof in respect of any Share or Shares which he, she, or they may possess in the said Undertaking, unless such Person shall have fully paid and satisfied all Arrears of Money which shall or may become due in pursuance of any Call or Calls made or to be made by the said Committee of Management by virtue of this Act for or in respect of such Share or Shares; nor shall any Person vote at any of the Meetings of the said Company, upon any Question or Questions relating to the Concerns of the said Undertaking in which such Person shall be interested, otherwise than as a Subscriber or Proprietor to or for the said Undertaking; and upon any Difference of Opinion, any Proprietor present may require the Votes at any General or Special General Meeting of the said Company to be taken by Ballot; but no Ballot shall be kept open for more than Two Hours; and the Chairman of every such Meeting shall be entitled to vote, and in case the Number of Votes including the Chairman's Vote shall be equal, such Chairman shall also have the casting Vote; and if at any General or Special General Meeting, a sufficient Number of Proprietors to act (Seven Proprietors being hereby declared sufficient in all Cases to act) and Two Proprietors being hereby declared sufficient for the Purposes of Adjournment only, shall not assemble and proceed to Business in One Hour from the Time appointed in the Notices to be given for such Meeting, or if Seven or more Proprietors be not present, when the whole or any Part of the Business to be transacted shall be decided upon, the Meeting shall be adjourned to the same Day in the following Week, or to some other Day to be appointed by the Members present, or in Default thereof, by the said Committee of Management, or any Two or more of them.

How Notices  
of Meetings  
to Proprie-  
tors are to be  
given.

XXVIII. Provided always, and be it further enacted, That all Notices herein-before directed to be given of any General or Special General Meeting or Adjournment respectively, or upon any other particular Occasion, and not herein otherwise provided for, or to any of the said Proprietors, shall be given by the Clerk to the said Company, and be inserted in One or more of the Newspapers usually published within the said City of York, and the same Notices shall be deemed and considered the same as personal Notices.

Accounts to  
be settled  
yearly.

Meetings to  
declare Divi-  
dends.

XXIX. And be it further enacted, That any General Meeting especially called for the Purpose shall have full Power to call for, examine, and settle the Accounts of the said Company; and at every Half-yearly General Meeting which shall be holden in the Month of July in every Year, or some Adjournment thereof, a yearly Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said Undertaking, unless such Meeting shall declare otherwise, and such Dividend shall be at and after the Rate of so much *per Centum* for every Share upon all

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

XXX. And be it further enacted, That the Receipt or Receipts of the Person, or any One of the Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company, shall from Time to Time be a good and sufficient Discharge to the Treasurer or Treasurers for the Time being of the said Company, for any Dividend or Dividends, Sum or Sums of Money which shall become due and payable, and be paid for or in respect of such Share or Shares, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share or Shares shall be then settled, limited, conveyed, or assured.

Payment of Dividends, &c. to the Person in whose Name the Share shall stand in the Company's Books, to be a good Payment.

XXXI. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time at any of their General Half-yearly Meetings as aforesaid, to make such Rules, Orders, and Bye-laws as to them shall seem meet and proper for the good Government of the said Undertaking, and for regulating the Proceedings of their Committee of Management, and the Conduct of all Officers, Workmen, and Servants to be employed in and about the Affairs and Business of the said Company, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Rules, Orders, and Bye-laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye-laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Company at a General Half-yearly Meeting shall seem expedient; and all Rules, Orders, and Bye-laws so made as aforesaid, (being reduced into Writing and the Common Seal of the said Company thereto affixed) shall be binding upon all such Persons, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye-laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or any of the express Directions or Provisions of this Act: Provided also, that Copies thereof be printed and be fixed and continued in the Office of the Clerk for the Time being, or other the Buildings and Premises of the said Company; and all such Rules, Orders, and Bye-laws shall be subject to Appeal in Manner by this Act directed.

General Meetings may make Bye-laws.

XXXII. And be it further enacted, That it shall be lawful for the said Company, at the First General Meeting of the said Company, to nominate and elect by Ballot, and to appoint, under the Common Seal of the said Company, some Person or Persons to be Treasurer or Treasurers, and some other Person to be Clerk to the said Company, and also such Receivers, Collectors, and other Officers as they may think proper; and

Officers of the Company to be appointed at General Meetings.

from

Treasurer,  
&c. to give  
Security.

from Time to Time to remove any such Treasurers, Clerks, Receivers, Collectors, and other Officers, and to nominate, elect, and appoint others in their Room or Stead: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer, Clerk, Receiver, or Collector for any of the Purposes of this Act, for the faithful Execution of their respective Offices, before they shall enter thereupon respectively.

Same Person  
not to act as  
Clerk and  
Treasurer.

XXXIII. 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 of or any Person in the Service or Employ of such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or any Person in the Service or Employ of such Clerk, shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same 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 at Law, nor more than One Impar lance, shall be allowed.

Treasurer  
not to issue  
Money with-  
out an Order  
of Commit-  
tee.

XXXIV. And be it further enacted, That the Treasurer or Treasurers to be appointed by the said Company shall not issue any Sum or Sums of Money on account of the said Company, without an Order or Orders in Writing signed by the Chairman for the Time being of the Committee of Management, and Three other Members at the least of the same Committee, present at the Meeting of the Committee, or by the Chairman and Seven other Members at the least of the said Company, present at any General or Special General Meeting which shall order or direct such Issue of Money to be made.

Committee  
of Manage-  
ment.

XXXV. And be it further enacted, That at the First General Meeting of the said Company, or at some Adjournment thereof, Fifteen Members of the said Company shall be elected and chosen a Committee of Management for conducting and managing the Affairs of the said Company; and such Persons so elected shall continue in Office, and be respectively Members of the said Committee, until the Half-yearly General Meeting which shall be held in the Month of *July* in the Year of our Lord One thousand eight hundred and twenty-four, or until others or another be appointed in their or either of their Stead, in pursuance of this Act; and at the said Half-yearly General Meeting, or at some Adjournment thereof, and also at the Expiration of every succeeding Year thereafter, to be computed from the said Half-yearly General Meeting, to be held in the Month of *July* in the Year of our Lord One thousand eight hundred and twenty-four, a new Committee of Fifteen Members shall be elected and appointed, out of the Proprietors of Shares in the said Undertaking, to be



be the Committee of Management for conducting and managing the Affairs of the said Company, who shall continue in their Office for the Space of One Year, to be computed as last aforesaid, or until others or another shall be duly elected into their or any of their Places; provided that nothing herein contained shall render any One of the Committee, whose Office shall have expired, ineligible to be re-elected a Committeeman, if otherwise duly qualified: Provided also, that no Person shall be qualified to be elected, or to serve or act as a Member of the said Committee, who by Sale or otherwise shall cease to be a Proprietor in the said Undertaking, or who shall hold any Place of Profit under the said Company, or who shall be concerned or interested in any Contract to be made or entered into under this Act, or who shall offer to take, or shall actually participate in any Manner in any Work to be done for the said Company, whether by Contract or otherwise.

Disqualifi-  
cations to  
act.

XXXVI. And be it further enacted, That when and so often as any Member of the Committee of Management to be elected by virtue of this Act shall die or become disqualified, or shall refuse or neglect to attend the Meetings of the said Committee for the Space of Three Calendar Months, it shall be lawful for the said Company, at any General or Special General Meeting to be called and held pursuant to the Directions of this Act, to elect some other Proprietor to be a Member of the said Committee; and every such Proprietor so elected to fill any Vacancy shall continue in his Office as a Member of the said Committee, so long as the Person in whose Place or Stead he was elected would have been entitled to have continued, if such Death, Disqualification, Refusal, or Neglect, had not happened.

For supply-  
ing Vacancies  
in Commit-  
tee.

XXXVII. Provided always, and be it further enacted, That no Person shall be eligible to be elected One of the Committee for managing the Affairs of the said Undertaking, unless at the Time of the Election he shall be entitled to Four Shares in the said Undertaking.

No Person to  
act as Com-  
mittee-man,  
unless pos-  
sessed of  
Four Shares.

XXXVIII. And be it further enacted, That the said Committee of Management shall meet within Fourteen Days after being appointed, and at their First Meeting shall elect One of the Members of the said Committee to be Chairman, and another Member to be Deputy Chairman respectively for the Time such Committee shall continue in Office; but in case the Chairman so to be elected shall be absent at any of the Meetings of such Committee, the Deputy Chairman shall preside, and in case he shall likewise be absent, then the Members present at such Meeting shall, before they proceed upon any Business, elect from among themselves a Chairman *pro tempore*; and the said Committee shall hold their Meetings at such Place and as often as they shall think proper, but at least One in every Month, and may adjourn their Meetings from Time to Time, and from Place to Place, as they shall think fit; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Management, at any of their Meetings, shall be decided and determined by the Majority in Number of the Members then present, the Number present not being less than Five; and in Cases of an equal Number of Votes upon any Question, including the Vote of the Chairman for the Time being, such Chairman shall have the decisive or casting Vote; and if on the Day appointed for any Meeting of the said Com-

Meetings of  
the Com-  
mittee, and  
Regulations  
for their Pro-  
ceedings.

[*Local.*]

mittee, Five Members qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned to the following Day, if not a *Sunday*, and if the following Day shall be a *Sunday* then to the next Day following, by the Member or Members then present; and if no Member be present, then by the Clerk of the said Company, or such other Person as shall attend in his Place; and the Chairman for the Time being of the Committee, or any Five or more Members thereof, may at any Time when he or they shall think fit, call a Meeting of the Committee, by Notice in Writing signed by such Chairman, or by such Five or more Members, to be sent by the Post or otherwise to the Residence or Place of Abode of every Member of such Committee.

Power of  
Committee.

XXXIX. And be it further enacted, That the said Committee of Management for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time and from Place to Place within the said City, Suburbs or Vicinity, and also at any Time to call Special General Meetings of the said Company, for any Purpose they may think proper, and to appoint the Time and Place of holding the General Meetings, as well as any Special General Meetings, and to direct the Affairs and Business of the said Undertaking, as well in issuing, receiving, and laying out or disposing of all Sums of Money to be issued or received, laid out or disposed of for the Purposes of the same, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods and Chattels, for the Use of the said Undertaking; and in making and entering into Contracts or Agreements for lighting the said City, Suburbs and Vicinity, or any or either of them, or any such Streets, Squares, Highways, Market Places, Lanes, Ways, and public or private Houses or Buildings as aforesaid; and nominating, appointing, electing, placing, or displacing any Officer, Engineer, Agent, or Servant of the said Company (except the Treasurer or Treasurers and Clerk herein-before directed to be appointed by a General Meeting of the said Company), with such Salary, Gratuities, or Recompence, as to the said Committee shall seem proper; and in ordering, directing, and employing the Works and Workmen, and in selling and disposing of all Articles provided, produced, or manufactured, under the Authority of this Act; and in making, enforcing, and rescinding all Contracts and Bargains touching or in anywise concerning the same, subject to such Orders, Bye-laws, Rules, and Regulations as shall be duly made by the said Company, in Restraint, Controul or Regulation of the Powers and Authorities by this Act granted.

Proceedings  
to be entered.

XL. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the Company as of the Committee of Management, shall be entered by the Clerk in a Book or Books to be provided and kept for that Purpose; and such Orders and Proceedings, so entered and signed by the Clerk of the said Company, and by the Chairman of each respective Meeting, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices and others.

Committee  
to make  
Calls.

XLI. And be it further enacted, That the said Committee of Management shall have full Power to make such Call or Calls for Money from the

the several Proprietors of the said Undertaking, their Executors, Administrators, Successors, and Assigns, as such Committee shall from Time to Time find requisite and necessary for the Purposes of the said Undertaking, so that no one such Call do exceed the Sum of Five Pounds for or in respect of any One Share of Twenty-five Pounds, and so that no Calls be made but at the Distance of One Calendar Month at least from each other; and the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer or Treasurers to the said Company for the Time being, at such Time and Place as shall be appointed by such Committee, of which Time and Place Ten Days previous Notice shall be given, in such Manner as the said Committee shall direct or appoint in that Behalf; and if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money to be called for, by the Space of Twenty Days next after the Time appointed for the Payment thereof, together with lawful Interest for the same from such appointed Time of Payment, then and in such Case it shall and may be lawful to and for the said Company, at some General or Special General Meeting to be held after such Neglect or Refusal, to declare all and every or any of the Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited, and from thenceforth the said Share or Shares so declared to be forfeited, and all the Profit and Benefit thereof, shall be vested in the said Company, their Successors and Assigns, to and for the Uses and Purposes of this Act.

On Non-payment of Calls, Shares to be forfeited.

XLII. Provided always, and be it further enacted, That no Share or Shares of and in the said Undertaking shall be forfeited or vested in and accrue to the said Company, until Notice shall have been published in some one or more of the Newspapers published and circulated in the said City of *York*, Thirty Days at least before the holding of such General or Special General Meeting, in which Notice shall be contained a Statement and Account of the Money due from such Person or Persons for such Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking, exclusive of the Interest thereon; and no such Share or Shares shall be forfeited to or be vested in the said Company, if the Owner or Owners of such Share or Shares shall, before the holding of such General or Special General Meeting, pay what shall be due thereon for such Call or Calls as aforesaid, and legal Interest for the same, and all the Expences attending the Application for and advertising the same as aforesaid, nor unless the same shall be declared to be forfeited by such General Meeting of the said Company.

No Share to be forfeited until Notice be published in a Newspaper.

XLIII. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become forfeited to or vested in the said Company, as herein mentioned, then and in every such Case it shall be lawful for the said Company or their Committee of Management for the Time being, to sell or cause to be sold, by public Auction or private Contract, and by Writing under the Common Seal of the said Company to assign and transfer, such and so many of the Share or Shares so become forfeited, as the said Company or their said Committee of Management shall from Time to Time find necessary and direct to be sold unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns; and such Assignments and Transfers shall be good, valid, and effectual

Company empowered to sell forfeited Shares.

If the Purchase Money for such 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.

effectual against the previous Owner or Owners of every such Share or Shares forfeited to or vested in the said Company, and so sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares as shall be forfeited by reason of the Nonpayment of any Call or Calls as herein authorized, shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales, the Surplus of such Money shall be paid to the Person or Persons to whom such Share or Shares shall have belonged, on Demand: Provided also, that the said Company or their Committee of Management shall not by virtue of this Act sell or transfer or direct to be sold and transferred any more of such Shares of such Defaulter or Defaulters in Payment of Calls than shall be sufficient, as near as may be, at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all and every such Call or Calls, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Executors, Administrators, Committees and Guardians, indemnified in paying Calls.

XLIV. And be it further enacted, That if any Person or Persons, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall die before Payment shall have been made by him, her, or them of the full Sum to be called for in respect thereof, as herein mentioned, without having made any sufficient Provision by Will or otherwise in what Manner such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be answered, or in case any Proprietor or Proprietors of any Share or Shares in the said Undertaking shall become Lunatic before Payment shall have been made by him, her, or them of the full Sum to be called for in respect thereof as herein mentioned, or in case any Proprietor or Proprietors as aforesaid shall be a Minor or Minors, then and in such case the Executors or Administrators of such deceased Proprietor or Proprietors, and the Committee of any Lunatic or Lunatics, and the Guardian or Guardians of any Minor or Minors, shall and he and they is and are hereby authorized to raise and levy, out of any Funds or Effects vested in him or them respectively to or for the Use or Benefit of such deceased Proprietor or Proprietors, Lunatic or Lunatics, Minor or Minors, or of the Party or Parties entitled under him, her, or them respectively, to such Share or Shares, so much Money as shall from Time to Time be requisite and necessary to answer and pay the Call or Calls which shall be made on the Owner or Owners, Proprietor or Proprietors of such Share or Shares, under the Authority of this Act; and such Executors, Administrators, Committees or Guardians, shall be and they are hereby indemnified against their respective Cestuique Trusts, and all other Persons whomsoever, for raising or levying and paying any Money which shall be called for as aforesaid, in respect of such Share or Shares.

For ascertaining the Proprietorship of Shares in certain Cases.

XLV. And whereas in case any original Holder or Proprietor or Holders or Proprietors of One or more Share or Shares in the said Undertaking shall die, become Insolvent or Bankrupt, or go out of the Kingdom,

dom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, 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 any Officer acting for the said Company to ascertain who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share or Shares, or to maintain any Action or Actions, Suit, or other Proceedings against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right and Property in any Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer and Conveyance thereof in the Form and Manner herein specified, or herein otherwise provided, an Affidavit shall be made and sworn to by Two credible Persons, before a Master or a Master Extraordinary of His Majesty's High Court of Chancery, or before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to and left with the Clerk to the said Company, to the Intent that he may preserve the same, and enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of the said Undertaking, to be kept in the Office of the Clerk to the said Company; and in all or any of the said Cases, after Three Calendar Months Notice in Writing shall have been given by the said Clerk, to the Person or Persons stated in such Affidavit to be the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money so to be called for; and such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their 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 or Shares to be forfeited; and in such case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Subscribers or Proprietors at any Meeting or Meetings shall direct, or otherwise become consolidated in the General Fund of the said Company.

XLVI. And be it further enacted, That when any Person or Persons 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 a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be delivered to and left with the Clerk for the Time being of the said Company, who shall preserve the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk 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 Five Shillings, and no more, before such Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend.

Proofs required where Rights accrue by Marriage or Death.

[Local.]

17 Z.

or

or Dividends in respect thereof; and when any Person or Persons 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, respectively issuing out of one of the Ecclesiastical Courts of the Province of *York*, 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 or Shares of the Testator, or 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 Five Shillings, and no more, before any Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof: Provided nevertheless, that no Bequest or Clause 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 or Shares in the Joint Stock of the said Company, or the Gains and Profits thereof; but the Registry of any such Share or Shares shall be in the Name or Names of the Executor or Executors who shall prove the Will of such Testator, or the Administrator or Administrators of his Effects, whose Receipt or Receipts to the said Company for the Gains and Profits thereof, and to any Purchaser or Purchasers for the Amount of the Purchase Money paid upon the Sale and Conveyance of such Share or Shares, 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.

Power to  
break up  
the Soil and  
Pavement of  
Streets, to  
lay Pipes  
to and from  
Houses, &c.

XLVII. And be it further enacted, That it shall be lawful for the said Company and their Successors, and they are hereby fully authorized and empowered by their Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Machines, or other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, and to sink and lay Pipes, and to erect and fix them against any Walls, of such Construction and in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into Execution; and also to break up the Soil and Pavement of any Streets, Squares, Highways, Market Places, Courts, Yards, Roads, Ways, Lanes, Passages, and other Places, or any Part of them, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes in, under, across, and along such Places as aforesaid, and in such Manner as shall be necessary for the Purpose of carrying this Act into Execution, or supplying any such Light as aforesaid; and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, Syphons, and Plugs or Branches, 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 Street, Square, Highway, Market Place, Court, Yard, Road, Way, Lane, Passage, or other Place by the said Company by virtue of this Act, in, to, through, or against any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same, or any public or private Lamp from any of such Mains or Pipes; and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling

Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring or ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured and damaged in such Dwelling House or Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things as the said Company or their Successors shall from Time to Time think necessary and convenient for completing and amending, repairing, improving, supplying, and sustaining the same; provided that the same be done with as much Dispatch as possible, and that a proper Compensation be made for any Damage done thereby: Provided also, nevertheless, that nothing herein contained shall authorize or empower the said Company to carry, lay, or fix any Pipe or Pipes to, through, or against any Dwelling House or Houses, Manufactories, Warehouses, Wharfs, private Buildings, Yards, or Grounds, for the Purpose of lighting any other Dwelling House or Houses, Manufactories, private Buildings, or any other Place or Places, or so to continue the same, without the Consent in Writing of the Owner and Occupier of every such Dwelling House or Houses, Manufactories, private Buildings, Warehouses, Wharfs, Yards, or Grounds, through or against which any such Pipe or Pipes may be carried, laid, or fixed for the Purposes aforesaid.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company, or any of their Officers, Agents, or Servants, to break up the Soil of all or any Part of any of the public Streets, Squares, Market Places, Highways, or other public Places in the said City, Suburbs, and Vicinity, without the Consent of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having the Property of such Soil, in Writing for that Purpose.

Pavement, &c. not to be taken up without Consent of Persons having the Property thereof.

XLIX. Provided always, and be it further enacted, That in all Cases where any Consent is required to be and shall be obtained by the said Company, to break or take up or remove any Pavement, Soil, or Ground, in or of any Streets, Squares, Market Places, Highways, or other public Places in the said City, Suburbs, and Vicinity, in order to lay down any Main or Mains, Pipe or Pipes, to convey Gas, or for any other Purpose which may be required under this Act, nothing in this Act contained shall, after such Consent obtained as aforesaid, and after Twenty-four Hours previous Notice (or in case of Emergency after Three Hours previous Notice) in Writing, from the said Company or their Clerk, given to or left at the Place of Abode of such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having the Property of such Soil or Pavement, be deemed or construed to extend to prevent the said Company from repairing such Main or Mains, Pipe or Pipes, or from breaking or taking up or removing any Pavement, Soil, or Ground in or of any Streets, Squares, Market Places, Highways, or other public Places whatsoever, for the Purpose of laying down or repairing any such Main or Mains, or any Pipe or Pipes whatsoever, or for any other Purpose which may be required under this Act.

After Consent allowed for Company to break up Pavements, no further Consent necessary.

L. And be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Company, into

Company to remove Pipes, &c. on pri-  
or

Private Property,  
on Notice.

or through any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground in pursuance of and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, into or through which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such their Desire shall give Notice in Writing to the said Company, then and in every such Case the said Company shall, at the Cost and Charges of the Parties requiring the same, within Five Days after Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon, from any such Main or Pipe of the said Company as aforesaid; and in default thereof it shall and may be lawful to and for such Owner or Occupier, or any other Person or Persons acting under their Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require.

This Act not  
to affect the  
Powers of  
Commissioners,  
Assessors,  
&c.

LI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend, to defeat, abridge, alter, lessen, obstruct, or in any Manner interfere with the Powers and Authorities of the Commissioners or Assessors for lighting, paving, watching, and otherwise improving the said City, Suburbs, and Vicinity, or any or either of them, or the Rights and Powers of any Person or Persons lawfully authorized to make, enlarge, widen, deepen, repair, cleanse, scour, or amend any Vault, Drain, or Sewer within the said City, Suburbs, and Vicinity respectively.

Workmen in  
laying Pipes  
to make  
good the  
Pavement.

LII. Provided always, and be it further enacted, That the Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Syphons, or Branches, shall do as little Damage as may be, and shall forthwith fill in the Trenches and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby; and if after such Pavements or Roads shall have been so repaired and made good, the same shall within Six Calendar Months thereafter give way or require relaying or repairing, in consequence of such Pavements or Roads having been broken up for the Purpose of carrying this Act into Execution, the same shall be forthwith done and performed by and at the Expence of the said Company; and the said Company shall and they are hereby required to repair any Damage arising from any Drains, Sewers, or Cuts which may be made for carrying off the Washings or waste Liquids without any Delay, and shall in the meantime fence or guard and affix Lights during the Night, at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages, and by and according to the Directions and Provisions contained in all or any of the Acts of Parliament now in force for paving, lighting, watching, and improving the said City, Suburbs, and Vicinity, or for preventing Nuisances therein: Provided also, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground or removing Rubbish



bish or making good any such Pavements or Roads, or in case the same shall be imperfectly repaired, or in case the Ground so opened shall not be fenced or guarded and lighted, then and in every such Case it shall be lawful for the Person or Persons, or Body or Bodies Politic or Corporate, in whom the Right of Soil of such Pavements or Roads shall be, or to and for the Commissioners for paving or otherwise improving the said City, Suburbs, and Vicinity, or his or their Surveyor or Surveyors, or any other Person or Persons acting by or under their Authority, or the Surveyors of the Highways within the said City, Suburbs, and Vicinity for the Time being, to fill in such Ground and remove such Rubbish, and to repair and make good the Pavement of any Street, Square, Highway, Market Place, Court, Yard, Road, Way, Lane, Passage, or other Place so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night, as to him or them shall seem necessary; and the reasonable Costs and Charges thereof shall be paid by the said Company or their Treasurer or Treasurers; and in default of Payment thereof for Thirty Days next after Demand made for the Payment thereof (Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the City of *York*, the Liberty of *Saint Peter* of *York*, or for any of the Three Ridings of the County of *York*, within their respective Jurisdictions, such Justice or Justices not being interested in the Matter in question), all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by a Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby empowered to grant; and such Penalties, Costs, Charges, and Expences, shall be paid to such Commissioners or their Surveyor.

LIII. And be it further enacted, That when and as often as the said Company or their Servants, Agents, or Workmen shall dig or sink any Trench or Trenches for laying any Main or Mains, Pipe or Pipes, or other Apparatus, or shall open any Ground for the Purposes of this Act, in, upon, or near to which any Water Pipe or Water Pipes belonging to the Proprietors for the Time being of the *York* Waterworks, shall have been laid or placed for the Purpose of conveying Water into, through, or about the said City, Suburbs, and Vicinity, or any Branch of any such Water Pipe or Pipes, for the Service or Supply of any Dwelling House, Manufactory, public or private Building, the said Company, their Servants, Agents, or Workmen shall, and they are hereby required to give Twenty-four Hours previous Notice thereof in Writing, to the Manager, chief Clerk, or Engineer for the Time being of the Proprietors of the *York* Waterworks, to be left at the Dwelling House or Office of the said Manager, chief Clerk, or Engineer; and on every such Occasion the said Company, their Servants, Agents, and Workmen shall, under the Direction and Inspection of such Manager, chief Clerk, or Engineer, protect and secure such Water Pipe or Pipes from any Injury or Damage, and shall also repair and make good any Damage that shall or may be done to any such Pipe or Pipes on any such Occasion; and in default being made in any of the Matters aforesaid, the said Company shall forfeit

For the Protection of Water Pipes, and to prevent the Soil near them being broken up without previous Notice.

[Local.]

18 A

and

and pay to such Manager, chief Clerk, or Engineer as aforesaid, for the Use of the Proprietors of the *York* Waterworks, any Sum not exceeding Five Pounds, and also the Costs and Expences which shall have been incurred by the Proprietors for the Time being of the said Waterworks, in securing and protecting, or in repairing and making good any Injury or Damage that may have been done to such Pipe or Pipes by the Means aforesaid; such Costs and Expences to be ascertained by any such Justice or Justices of the Peace as aforesaid, and to be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal, or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby empowered to grant.

For protect-  
ing the  
Waterworks.

LIV. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company, or any other Person or Persons acting under their Authority, in any way whatsoever to interfere with or abridge the Rights or Privileges of any Person or Persons, Bodies Politic or Corporate, having any Right, Privilege, or Power to supply the Inhabitants of the said City, Suburbs, and Vicinity, any or either of them respectively, with Water; and the said Company shall be and they are hereby made answerable for any Damage, Spoil, Injury, or Mischief which shall be done to any of the Pipes, Works, or Property of such Person or Persons, Bodies Corporate or Politic, or the Pipes or Branches of any Person or Persons communicating with such Pipes, Works, or Property, or which shall or may be sustained by them, or any or either of them, by reason or in consequence of any Act, Matter, or Thing to be done or executed by the said Company or any of their Agents, Servants, or Workmen; and the said Company shall and they are hereby required to pay the Amount of such Damage, Spoil, Injury, or Mischief on Demand: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to enlarge or diminish any of the Rights or Privileges which any Person or Persons, or Bodies Corporate or Politic, may have or enjoy for supplying the Inhabitants of the said City, Suburbs, or Vicinity, or any or either of them with Water.

Liberty to  
proceed with-  
out the Di-  
rection of the  
Proprietors  
of the Water-  
works, after  
Notice,

LV. Provided always, and be it further enacted, That in case the Proprietors for the Time being of the said Waterworks, or their Manager, chief Clerk, or Engineer for the Time being shall, at the Expiration of the Notice herein-before directed to be given to them or him as aforesaid, neglect or refuse to inspect the digging or sinking of any Trench or Trenches for laying any Pipe or Pipes therein, or the Opening of any Ground for the Purposes of this Act, as herein-before authorized to be executed and performed under their Inspection as aforesaid, then the said Company or their Committee of Management for the Time being are hereby fully authorized to do and perform the Works specified in such Notice, without the Inspection of the said Proprietors or their Manager, chief Clerk, or Engineer for the Time being: Provided also, that the Regulations herein-before contained shall not extend or be construed to prevent the said Company or their said Committee of Management, from doing all such Repairs and Renewals as shall from Time to Time be requisite and necessary to be done in or about any of their Works, which

shall have been originally executed under the Inspection or with the Consent of the said Proprietors as aforesaid.

LVI. Provided always, and be it further enacted, That all and every Person and Persons shall be and they are hereby made answerable for any Damage, Spoil, Injury or Mischief which shall be done to any of the Pipes, Works, or Property of the said Company; and such Person and Persons is and are hereby required to pay the Amount of such Damage, Spoil, Injury, or Mischief on Demand.

For protect-  
ing the Com-  
pany's  
Works.

LVII. And be it further enacted, That all and every the Main Pipes or other principal Conduits to be laid or used for the Conveyance of Gas, in, under, through, along, across, or round any Street, Square, Market Place, Lane, Passage, Court, or other Place within the City, Suburbs, and Vicinity, 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 Three Feet at least from the nearest Part of any Main Water Pipe already laid down or hereafter to be laid down, for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Squares, Market Places, Lanes, Passages, Courts, or other Places within the said City, Suburbs, and Vicinity, except in Cases where it shall be unavoidably necessary to lay the said Main Gas Pipes across any of the said Main Water Pipes, in which case the said Main Gas Pipes shall, where practicable, be laid over and above the said Main Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases the said Main Gas Pipes so crossing the said Main Water Pipes shall, where practicable, be at least Six Feet in Length, so that no Joint of any of the said Main Gas Pipes shall be nearer to the Centre of the said Main Water Pipes than Three Feet at least; and that in laying down the said Main Gas Pipes, the said Gas Light Company and their Successors or Assigns, shall in no case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials; and shall also make and keep all and every such Pipes and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively Air-tight, and in all and every respect prevent the said Gas from escaping therefrom, and from any Part thereof, upon Pain of forfeiting for every such Offence the Sum of Five Pounds.

Gas Pipes to  
be laid Three  
Feet from  
Water Pipes  
in a particu-  
lar Manner.

LVIII. And be it further enacted, That whenever the Water of the Proprietors of the *York* Waterworks shall be contaminated by the Gas of the said Company, the said Company shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, which Penalty shall be applied to and for the Use and Benefit of the said Proprietors; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Company, their Successors and Assigns, shall within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors or by the Treasurer, or by the Manager or chief Clerk for the Time being

Gas Com-  
pany to pre-  
vent Escape  
of Gas and  
Contamina-  
tion of Water.

of

of and for the said Proprietors, to be left at the usual Office or Place of transacting Business of the said Company, cause the most proper and effectual Measures to be taken effectually to stop and prevent the Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the Proprietors; and in case the said Company, their Successors, or Assigns shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint; and prevent all and every such Contamination (of which Escape and Contamination Notice shall be given as aforesaid), then and in every such Case the said Company, their Successors or Assigns, shall on each and every Complaint (whereof Notice shall be given as aforesaid) forfeit and pay to the Treasurer for the Time being, or to any one of the Directors for the Time being of the said Proprietors, for the Use and Benefit of the same Proprietors, over and above the before mentioned Penalty of Twenty Pounds to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the Water of the said Proprietors shall be and remain contaminated, tainted, or affected by the said Company; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, or by and in the Name of the Manager or chief Clerk for the Time being of the said Proprietors, or by and in the Name of any One or more of the Directors of the said Proprietors, at the Option of the Parties prosecuting such Information against the said Company, their Successors or Assigns, before any Justice of the Peace for the City of *York*, the Liberty of *St. Peter* of *York*, or for any of the Three Ridings of the County of *York*, within their respective Jurisdictions, with Costs to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company, their Successors or Assigns, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalties and Costs, when so levied, shall be paid to the Treasurer or to One of the Directors for the Time being of the said Proprietors, for the Use of the same Proprietors.

For ascer-  
taining if the  
Water is con-  
taminated.

LIX. 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 Company; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Proprietors, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said 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 any Escape of Gas of the said Company, the Costs and Expences of the said Digging, Search, and Examination and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Company, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or  
Conduits

Conduits of the said Company, then and in such Case the said Proprietors shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Company any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company in and by such Search and Examination, and also to the Pavement of the said Streets, so broken up or disturbed in such Search and Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

LX. 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 Parole or in Writing, to be left or given at their Office or usual Place of transacting their Business, of any such Escape of Gas from any Person or Persons whomsoever, stop and prevent such Gas from escaping; and in case the said Company shall not within Twenty-four Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from further escaping, and wholly and satisfactorily remove the Cause of Complaint, that then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of 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 a summary Way on the Oath or Affirmation of One or more credible Witness or Witnesses before some One or more such Justice or Justices of the Peace as aforesaid, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered from the said Company; and the same shall, when recovered, be paid to the Guardians or Overseers of the Poor of the Parish in which such Escape of Gas shall take place.

For stopping  
the Escape of  
Gas.

LXI. And be it further enacted, That if for the Improvement or Alteration of any of the Streets, Squares, Market Places, Highways, or other public Places within the said City, Suburbs, and Vicinity, it shall at any Time or Times be deemed necessary or expedient, by the Surveyors of the Highways for the Time being of any Parish in which any of the Pipes, Stopcocks, Plugs, or Branches shall be laid down for the Purposes aforesaid, to require the said Company of Proprietors to raise, sink, or otherwise alter the Situation of any of the said Pipes, Stopcocks, Plugs, or Branches, or to complete and make good any Part of the Pavement so to be broken up as aforesaid, the said Company shall at their own Expence, within Thirty Days next after being required so to do by Notice in Writing to them given by the said Surveyors, raise, sink, or alter such Pipes, Stopcocks, Plugs, or Branches according to such Notice, in such Manner and in such Place or Places as the said Surveyors shall think right or proper; and in Default thereof it shall be lawful for the said Surveyors or any other Person or Persons acting by their Order, or under their Authority, to cause such Pipes, Stopcocks, Plugs, or Branches to be raised, sunk, or altered, or

Power to  
raise, sink, or  
alter Pipes.

[Local.]

18 B

such

such Pavement to be completed and made good, and the reasonable Costs and Charges of doing the same shall immediately thereafter be paid by the said Company or by their Treasurer: Provided nevertheless, that if such reasonable Costs and Charges be not paid within One Calendar Month next after Demand shall be made of the said Company by such Surveyors or other Person acting by or under the Authority of the said Surveyors (Proof of such Demand being made by the Oath of One credible Witness before One or more such Justice or Justices of the Peace as aforesaid), all such reasonable Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace as aforesaid, and which Warrant such Justice or Justices is and are hereby empowered to grant accordingly; and such Costs and Charges shall be paid to the said Surveyors.

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

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

Power to  
convey  
Washings.

LXIII. And be it further enacted, That it shall be lawful for the said Company to make Sewers or Cuts, of such Breadth, Depth, and Dimensions, and in such Manner as they shall think expedient, under the Streets, Ways, Lanes, and Avenues and Places within the said City, Suburbs, and Vicinity, any or either of them respectively, for the Purpose of carrying off the Washings and other waste Liquids which may arise in the Prosecution of the Works aforesaid; the said Company doing as little Damage

as may be in making the said Sewers and Cuts, and immediately repairing at their own Expence all such Damage: Provided always, that no such Washings or other waste Liquid, or other Matter or Thing arising or made in the Manufacture of such Gas, shall be conducted or conveyed into any Brook or Stream of fresh Water whatsoever.

LXIV. Provided always, and be it further enacted, That if the said Company shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow any Washings, or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the Works of the said Gas Light Company, or in the Process of obtaining the said Gas, into any Leat, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Spring Head 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 Leat, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Spring Head or Well, Drain, Sewer, or Ditch, then in each and in every such Case the said Company 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, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable, unless the same be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above, and in addition to the said Penalty of Two hundred Pounds, 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 Leat, Brook, or running Stream, or any Reservoir, Aqueduct, Feeder, Pond, Spring Head 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 to the said Company, and the said Company shall not, within Twenty-four Hours after such Notice shall have been given to them 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 shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, 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, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have

Penalty on  
Company for  
conveying  
Washings  
into any Leat,  
Spring, &c.

have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Company not to injure public Drains.

LXV. 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 City, Suburbs, and Vicinity; and if any Damage or Injury shall unavoidably be done 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 in Default thereof, then such Damage shall be recovered by the Surveyors of the Highways therein for the Time being, in the manner herein-after mentioned.

Contracts for supplying Gas, subject to certain Regulations.

LXVI. And be it further enacted, That in case any Commissioners, Assessors, or other Person or Persons having the Controul or Superintendence of the lighting and paving of the several Streets, Squares, Market Places, Courts, Yards, Passages, Lanes, Highways, or Places within the said City, Suburbs, and Vicinity, shall be desirous of having such Streets, Squares, Market Places, Courts, Yards, Passages, Lanes, Highways, or Places lighted with Gas, the said Company may and they are hereby empowered to contract and agree with the Commissioners, Assessors, or other Person or Persons as aforesaid, to light the same with Gas, upon the Terms and Conditions herein-after specified; that is to say, the said Company shall supply such Quantity of Gas Lights, and such Number of Lamps with such Sorts of Burners, of such Dimensions, Constructions, and Qualities, to be set up in such Situations, and to continue burning at such Times, and for such Number of Hours, and under such Regulations, as the said Commissioners, Assessors, or other Person or Persons shall from Time to Time direct; and upon the said Company's receiving annually for every public Lamp so required some yearly Price or Sum, to be mutually agreed on and contracted for, once in every Three Years, or oftener, between the said Commissioners, Assessors, or other Person or Persons, and the said Company.

Gas to be supplied cheaper than Oil

LXVII. And be it further enacted, That in case the said Company shall at any Time hereafter contract with any Commissioners, Assessors, or other Person or Persons having the Controul or Superintendence of the several Streets, Squares, Market Places, Courts, Yards, Passages, Lanes, Highways, or Places within the said City, Suburbs, and Vicinity, for lighting any of the public Lamps in any of the public Streets, Squares, Market Places, Courts, Yards, Passages, Lanes, Highways, or Places within the said City, Suburbs, and Vicinity, the said Company shall and they are hereby directed and required to supply such public Lamps which they shall so contract to light, with Gas of such a Quality as that such Streets, Squares, Highways, and other public Places, shall always be lighted at a cheaper Rate, and also be better lighted than the same could be with Oil, regard being had to the Intensity of Light.

Service Pipes to be kept fully charged with Gas.

LXVIII. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put up by the said Company, for lighting the Streets, Squares, Highways, and other public Places of the said City, Suburbs, and Vicinity, any or either of them, under any Contract

or



or Agreement with such Commissioners, Assessors, or other Persons thereunto authorized, 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.

LXIX. And be it further enacted, That if the said Company shall contract with any such Assessors, or other Party or Parties as aforesaid, for lighting the said City, Suburbs, and Vicinity, or any Part of the same respectively, or any public or other Buildings therein, and shall not duly perform such Contract, then and in such Case it shall and may be lawful for such Commissioners or Assessors, or other Party or Parties, to determine such Contract, giving Three Calendar Months Notice thereof; and then and in such Case, and also at the Expiration of any Contract so to be made, it shall be lawful for the said Company, at the Expiration of such Contract or Determination thereof by such Notice, to remove the Mains, Pipes, Cocks, Plugs, Branches, Lamp Posts, Lamp Irons, and other Materials belonging to the said Company, and employed in lighting the said City, Suburbs, and Vicinity, or any Buildings therein as aforesaid.

If Contracts be not duly performed, they may be vacated on giving Notice.

LXX. Provided always, and be it further enacted, That in all and every Case where the Contract or Contracts so to be made and entered into by the said Company, shall be determined as aforesaid, and the Mains, Pipes, Cocks, Plugs, Branches, Lamp Posts, Lamp Irons, and other Materials belonging to the said Company shall be taken away and removed by them accordingly, the said Company shall make good and repair the Pavements and Roads which shall have been opened and broken up by them for that Purpose without Delay, or in Default thereof, the same shall and may be repaired and made good by the Surveyors of the Highways, for the same or other Person or Persons having the Right of Soil in such Pavements or Roads, and the Costs and Charges attending the same shall be paid by the said Company, and be recovered as herein-after mentioned.

In case of Determination of Contracts, Streets, &c. to be made good by the Company.

LXXI. And be it further enacted, That in case any Party or Parties who shall contract with the said Company, or agree to take, use, or enjoy the Benefit of the said Gas in their private Dwelling Houses, Shops, Counting-houses, Inns, Taverns, Manufactories, or other Buildings, shall refuse or neglect, after the Space of Ten Days after Demand, to pay the Sum or Sums of Money then due for the same to the said Company, according to the Terms and Stipulations with the said Company, it shall be lawful for the said Company or their Clerk or Superintendent, or any Person or Persons acting by or under their Authority, by Warrant under the Hands and Seals of any Two of such Justices of the Peace as aforesaid, to levy the said Sum or Sums in respect whereof such Refusal or Neglect shall happen, by Distress and Sale of the Goods and Chattels of the Party or Parties so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Party or Parties so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted; or the same, with Costs of Suit, may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign,

Remedy for Recovery of Rents.

[Local.]

18 C

Protection,

Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Penalty for  
damaging  
Pipes.

LXXII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously hinder or interrupt the said Company or their Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works, or in the 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, or shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Post, Plug, Lamp, or other Apparatus, Matter, or Thing belonging to the said Company, or shall wilfully or maliciously waste any of the Inflammable Air or Gas supplied by the said Company, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath or Affirmation of One credible Witness, before One or more such Justice or Justices of the Peace as aforesaid, shall forfeit and pay to the said Company any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand of the Owner of such Goods and Chattels; or such Offender shall and may be committed to the House of Correction or the Common Gaol of the said City as the Case may require, there to remain for any Time not exceeding Three Calendar Months.

For com-  
pelling the  
Attendance of  
Witnesses.

LXXIII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on Behalf of the Prosecutor or on Behalf of the Person or Persons accused, and (after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, if the same shall be required by such Witness or Witnesses) shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect to appear, or shall refuse to be examined upon Oath or Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer), and to give Evidence before such Justice or Justices, then and in every such Case such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

For ascer-  
taining and  
compelling  
Payment of  
Costs, Da-  
mages, and  
Expences.

LXXIV. And be it further enacted, That in all Cases where any Costs, Charges, Damages, Compensations, or Expences are by this Act directed to be paid or received by the said Company, to or for any Body Corporate or Politic, Commissioners, Assessors, or other Person or Persons, and the Amount of such Costs, Charges, Damages, Compensations, or Expences, shall not be agreed on by or between the Parties, and is not herein or hereby otherwise directed or authorized to be ascertained and recovered, the same shall be settled and determined by any Two or more Justices of the Peace (having Jurisdiction in the Place where such Costs, Charges, Damages, and Expences shall arise or be incurred) and who are hereby authorized and required, within Fourteen Days next after Com-  
plaint

plaint and Application shall be made to them for that Purpose, by the Party aggrieved, or entitled to claim Compensation, to inquire into, and upon the Oath or Affirmation of One or more credible Witness or Witnesses; ascertain and determine the same in a summary Way; and in case the Amount of such Costs, Charges, Damages, Compensations, and Expences so to be ascertained and determined as aforesaid, shall not be paid and discharged within Ten Days next after the same shall have been so ascertained and determined, and Demand of Payment having been duly made, the Amount thereof, or of so much thereof as shall then remain unpaid, together with any Penalties which may then have been incurred in consequence of such Nonpayment, shall and may upon Proof by the Oath or Affirmation of One or more credible Witness or Witnesses of such Demand and Neglect of Payment, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties to whom it shall belong to pay the same, together with the Costs of such Distress and Sale by Warrant under the Hands and Seals of Two or more Justices of the Peace (having Jurisdiction), which Warrant they are accordingly hereby authorized and directed to grant; and for the Purpose of being executed in a different Jurisdiction to that in which such Warrant shall have issued, such Warrant shall and may be endorsed by the Justice or Justices of such other Jurisdiction in the like Manner as Warrants of Distress and Sale are now permitted and authorized; and the Amount which shall be recovered and received under such Warrant shall be paid to the Party or Parties authorized to claim and receive the same under the Provisions herein contained, who, after deducting the necessary Charges of making such Distress and Sale, shall pay over the Surplus thereof (if any) to the Party or Parties so refusing or neglecting; or the Amount which shall be so ascertained and determined as aforesaid may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

LXXV. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, or against any Rule, Order, or Bye-law made in pursuance thereof, in relation to which the Manner of convicting the Offenders or recovering of such Penalties and Forfeitures is not particularly mentioned or directed, shall be adjudged by and recovered before any such Justice of the Peace in a summary Way; and such Justice is hereby authorized and empowered to convict the Offender or Offenders, upon Information, by the Oath or Affirmation of any Person or Persons or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and in Default of Payment of such Penalties and 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, rendering the Overplus (if any) on Demand to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and One Moiety of the Penalties and Forfeitures when recovered shall be paid to the Informer, and the other Moiety thereof shall be paid to the Guardians or Overseers of the Poor of the Parish wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then

Recovery  
and Applica-  
tion of  
Penalties.

then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant, it shall appear that sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the House of Correction or Common Gaol of the said City, for any Time not exceeding Three Calendar Months.

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

Form of  
Conviction.

‘ **B**E it remembered, That on the . . . Day of  
 ‘ in the Year of our Lord . . . is [or are] convicted  
 ‘ before me [or us, as the Case shall be] . . . of His Majesty’s  
 ‘ Justices of the Peace for the . . . Riding of the County of York],  
 ‘ by virtue of an Act of Parliament passed in the Fourth Year of the  
 ‘ Reign of King George the Fourth, intituled [here insert the Title of this  
 ‘ Act] of having [specifying the Offence, and the Time and Place when  
 ‘ and where the same was committed], 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 our Hands and Seals] the Day and Year  
 ‘ first above written.’

Proceedings  
to be taken  
within Six  
Calendar  
Months.

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

Distress not  
to be deemed  
unlawful for  
Want  
Form.

LXXVIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same a Trespasser or Trespassers, on account of any Defect or Want of Form in any of the Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any subsequent Irregularity in the Party or Parties so distraining; but the Person or Persons aggrieved may recover by Action on the Case, full Satisfaction for the special Damage by him or them sustained in consequence of such Irregularity; but no Person or Persons shall recover in any such Action if Tender of sufficient Amends shall,

shall, before such Action brought, have been made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity as aforesaid, or who shall have been guilty of any Trespass or other wrongful Proceeding; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by leave of the Court in which any such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

LXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Company, or against any of their Officers, Servants, or Workmen in respect of any Works of the said Company, or the Method which shall be employed by them for furnishing such Lights as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Company or any of their Officers, Servants, or Workmen for any Injury sustained by reason of any such Works or Method of Lighting, whether such Injury shall proceed from the Nature of such Method of Lighting, or from the Carelessness or want of Skill in the Persons employed therein.

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

LXXX. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, annul, alter, or otherwise affect all or any of the Provisions or Enactments contained in any Act or Acts for lighting, paving, watching, and otherwise improving the said City, Suburbs, and Vicinity, or any or either of them, or to exempt, excuse, or discharge the said Company, their Officers, Servants, or Workmen, from all or any of the Fines, Penalties, Forfeitures, Punishments, Costs, or Charges, or other Matters or Things imposed or charged, or which may be recovered or levied under or by virtue of the said Acts of Parliament, any or either of them, for or by reason of the neglecting or omitting to light or insufficiently lighting all or any of the Lamps to be fixed, erected, and placed by the said Company in all or any of the public Streets, Squares, Highways, Market Places, Courts, Yards, Roads, Ways, Lanes, and Passages in the said City, Suburbs, and Vicinity respectively; or for or in respect of the Breach or Nonperformance of all or any of the Contracts which shall or may be made and entered into by the said Company, to or with the said Assessors or others acting in Execution of the said Act or Acts of Parliament, or any of them, for lighting the said City, Suburbs, and Vicinity with Gas, under or by virtue of this Act; or for or by reason of any Nuisance, Obstruction, Annoyance, Offence, or other Matter or Thing, to be done or committed by the said Company, their Officers, Servants, or Workmen, contrary to all or any of the Provisions and Enactments in the said Act or Acts, or any of them, expressed and contained in anywise howsoever.

This Act not to affect the Acts for paving, lighting, &c. nor to exempt the Company from Penalties.

LXXXI. And be it further enacted, That if the said Company, or any Person or Persons, shall think themselves, himself, or herself aggrieved,

Appeal.

[Local.]

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by

by any thing done or to be done in pursuance of this Act, or by any Byelaw, Rule, or Order to be made in pursuance hereof (and for which no particular Mode of Relief is herein-before appointed), the said Company, or such Person and Persons, may appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held for the East Riding of the County of *York*, within the Space of Four Calendar Months next after the Cause of Appeal shall have arisen; such Appellant or Appellants first giving or causing to be given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Cause thereof, to the said Company or other the Respondent or Respondents, and within Ten Days next after such Notice given, entering into a Recognizance before One of His Majesty's Justices of the Peace for the said East Riding, with Two sufficient Sureties conditioned to try such Appeal at such General or Quarter Sessions, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given, and of the entering into such Recognizance as aforesaid, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to either Party as they shall think proper; and the Determination of the Justices at such Sessions shall be final, binding, and conclusive upon all Parties.

Directing  
what shall be  
deemed  
service of  
Notice, &c.  
on the Com-  
pany.

LXXXII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Chairman of the said Committee of Management for the Time being, or left at his last or usual Place of Abode, or upon the Clerk to the said Company for the Time being, or at the Office of such Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or Service upon any Member of the Committee of Management for the Time being, or left at his last or usual Place of Abode, or upon any Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Expences of  
the Act how  
to be paid.

LXXXIII. 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 out of the first Monies which shall be subscribed for the Purposes of this Act.

Public Act.

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

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