



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxvii.

An Act to incorporate the *Stratford-upon-Avon*
Gas Company. [27th July 1857.]

WHEREAS by certain Articles of Agreement, bearing Date the Seventeenth Day of *March* One thousand eight hundred and thirty-four, several Persons formed themselves into a Company, by the Name of the *Stratford-upon-Avon* Gas-light and Coke Company, for the Purpose of making, supplying, and conveying Gas, and therewith lighting the Streets, Houses, and other Places in the Town of *Stratford-upon-Avon* in the County of *Warwick*, and the Neighbourhood thereof: And whereas the Capital originally subscribed for the Purposes of the said Undertaking was Three thousand Pounds, in One hundred and fifty Shares of Twenty Pounds each: And whereas, under the Provisions of the said Articles of Agreement, a further Sum of Seven hundred and fifty Pounds was raised for the Purposes of the said Agreement, on the Seventeenth Day of *June* One thousand eight hundred and fifty, by the Issue of One hundred and fifty Shares of Five Pounds each: And whereas the said several Sums of Three thousand Pounds and Seven hundred and fifty Pounds have been respectively paid up and applied by the said Company to the Construction of their Works, and laying their Mains and Pipes, whereby the said Town of *Stratford-upon-Avon*, and the Neighbourhood thereof, is supplied with Gas, to the great Benefit of the Inhabitants thereof: And whereas the said Company would be better able to carry on their Undertaking if they were incorporated, and if certain other Powers were conferred upon them; but the Pur-

Agreement
dated 17th
March 1834.

[*Local.*]

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poses

The Stratford-upon-Avon Gas Act, 1857.

poses aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Meaning of certain Expressions.

I. That the Expression "the Company" in this Act shall mean the Company by this Act incorporated; the Expression "the Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Stratford-upon-Avon*; and the Expression "the Local Board" shall mean the Local Board of Health for the District of *Stratford-upon-Avon*.

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 15. incorporated.

II. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," (except as herein-after mentioned,) and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act.

Not to take Lands otherwise than by Agreement.

III. Provided always, That nothing herein or in the said Lands Clauses Consolidation Act, 1845, contained shall authorize the Company to take or use any Land unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Same Meanings to Words in incorporated Acts as in this Act.

IV. Except as in this Act otherwise provided, the several Words and Expressions to which Meanings are respectively assigned by the said Acts incorporated herewith, or either of them, shall in this Act have the Meaning so assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction.

Short Title.

V. In citing the Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Stratford-upon-Avon Gas Act, 1857.*"

Limits of Act.

VI. The Limits of this Act shall extend to and include the Town and Borough of *Stratford-upon-Avon*, and the Parishes or Townships of *Old Stratford, Bishopton, Shottery, Luddington, Bridgetown, Tiddington, and Alveston*, in the County of *Warwick*.

Incorporation of Company

VII. The present Members of or Shareholders in the *Stratford-upon-Avon Gaslight and Coke Company*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, and Assigns respectively, shall be and they are hereby united into a Company for the Purpose of making and supplying Gas, Coke, and Tar within the Limits of this Act, and for doing all Acts necessary for that Purpose, and for other the Purposes by this Act and the said incorporated Acts authorized, by and under the Name of the
Stratford-

The Stratford-upon-Avon Gas Act, 1857.

Stratford-upon-Avon Gas Company, and by that Name shall be a Body Corporate with perpetual Succession, and shall also have a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

VIII. All Lands, Works, Erections, Buildings, Rights, and Easements which immediately before the passing of this Act were vested in the said *Stratford-upon-Avon* Gaslight and Coke Company, or any Person on their Behalf, or to which the said last-mentioned Company were entitled either at Law or in Equity, and all Mains and Pipes, Plugs, Lamps, Irons, Gasometers, Retorts, Meters, Lamp Posts, Apparatus, Matters, and Things which have been by them purchased or provided, laid down, erected, or placed in any Place or House within the Limits of this Act, or which immediately before the passing of this Act were the Property of or belonging to the said *Stratford-upon-Avon* Gaslight and Coke Company, or to any Trustees on their Behalf for the Purpose of such Company, shall be and the same are hereby vested in the Company to the same Extent and for the same Estate and Interest as the same were previously to the passing of this Act vested in the *Stratford-upon-Avon* Gaslight and Coke Company, or any Trustees on their Behalf.

Property and Rights of original Company transferred to new Company.

IX. Subject to the Provisions of this Act, the said Articles of Agreement of the Seventeenth Day of *March* One thousand eight hundred and thirty-four shall, as to any future or prospective Operations thereof, from and after the passing of this Act be wholly void and of none Effect, and the several Persons who shall have executed the same Articles of Agreement, and their Heirs, Executors, and Administrators, shall immediately from and after the passing of this Act stand and be by virtue thereof released and discharged from any future Obligation to observe, perform, abide by, fulfil, or conform to the said Articles of Agreement, or the Covenants or Agreements therein contained.

Original Articles of Agreement to become void.

X. Notwithstanding the Incorporation of the Company and the Avoidance of the said Articles of Agreement by this Act, and except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the *Stratford-upon-Avon* Gaslight and Coke Company, or the Shareholders therein in that Capacity, shall be as valid as if the Company had not been incorporated, and the said Articles of Agreement had not been avoided by this Act, and such Incorporation and Avoidance and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the Company were not incorporated and the said Articles of Agreement were not avoided by this Act, and this Act were not passed, would be incident to or consequent

Saving previous Rights and Liabilities.

The Stratford-upon-Avon Gas Act, 1857.

consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents and Purposes represent the *Stratford-upon-Avon* Gaslight and Coke Company, and the Shareholders in their Capacity of Shareholders.

Contracts,
&c. prior to
Act to be
binding.

XI. All Deeds, Contracts, Bonds, and Agreements entered into or made before the passing of this Act by or with the *Stratford-upon-Avon* Gaslight and Coke Company, or any Trustees, or any Persons acting on behalf of the said last-mentioned Company, and now in force, shall be as binding and of as full Force and Effect in all respects against or in favour of the Company, and may be enforced as fully and effectually, as if, instead of the *Stratford-upon-Avon* Gaslight and Coke Company, or the Trustees or Persons acting on behalf of the said last-mentioned Company, the Company had been a Party thereto; and all Bodies Politic or Corporate, and all Persons whosoever, who immediately before the passing of this Act owed to the *Stratford-upon-Avon* Gaslight and Coke Company any Rents or Remuneration for Gas or for Meters, any Calls upon Shares, or any other Sums of Money, shall be liable for the Payment thereof to the Company, and in case of Nonpayment thereof, or of any Part thereof, the Company may proceed for the Recovery thereof and recover the same in such and the same Manner, and shall and may exercise the same Remedies in respect thereof, as if the same were due to the Company under the Provisions of this Act.

Debts due to
or from ori-
ginal Com-
pany trans-
ferred to new
Company.

XII. All Debts or Damages which immediately before the passing of this Act were due to or recoverable by the *Stratford-upon-Avon* Gaslight and Coke Company shall become due to or recoverable by the Company, and all Debts and Damages which immediately before the passing of this Act were due or recoverable from the *Stratford-upon-Avon* Gaslight and Coke Company shall be due and recoverable from the Company: Provided always, that if the Company shall fail to pay and satisfy such last-mentioned Debts and Damages, every Shareholder in the *Stratford-upon-Avon* Gaslight and Coke Company shall be liable for the same in the same Manner as if this Act had not been passed, and shall be entitled to recover over against the Company the Amount of all such Debts and Damages, and all Costs, Charges, Expenses, Damages, and Interest which shall be borne or sustained by him by or in consequence of such Default.

Remedy for
Shareholders
if Execution
issued
against them.

XIII. And whereas it is expedient that every Shareholder against whom any Execution shall be issued upon any Judgment or Decree under the Authority of this Act should have an easy and expeditious Mode of recovering all such Costs, Charges, Losses, and Expenses as he shall be put unto or become chargeable with in consequence thereof: Therefore if any Execution upon any Judgment or Decree obtained in any Action, Suit, or Proceeding under this Act shall be issued against any Shareholder, or against any Person who shall have been

The Stratford-upon-Avon Gas Act, 1857.

been a Shareholder, and such Shareholder against whom such Execution shall be issued shall not within the Space of Fourteen Days next after the issuing thereof be reimbursed out of the Funds and Property of the Company all such Moneys, Costs, Charges, Losses, and Expenses as he shall have paid or been put to or become chargeable with in consequence of such Execution having been issued against him, it shall be lawful for such Shareholder to divide such Moneys, Costs, and Charges, or so much thereof as he shall not within the Time aforesaid have been so reimbursed as aforesaid, into as many equal Parts or Shares as the Capital of the Company shall at that Time be considered as divided into (not including Shares under Forfeiture), and every Shareholder for the Time being shall, in proportion to the Number of Shares which he may hold in the Company, and to the Extent of his Interest therein, pay One or more of such Parts or Shares upon Demand to the Shareholder against whom such Execution shall have been issued, or to his Executors or Administrators; and upon the Neglect or Refusal of any Shareholder for the Time being, or of the Executors or Administrators of any deceased Shareholder, to pay upon Demand his fair Proportion (such Proportion having been ascertained and fixed as last aforesaid) of such Moneys, Costs, and Charges, then and in every such Case it shall be lawful for the Shareholder or other Person to whom the same ought to have been paid to sue for and recover the same in or by Action, Suit, or Plaint against the Shareholder, or the Executors or Administrators of any Shareholder, who shall so neglect or refuse as aforesaid, in any Court competent to adjudicate in such Suit or Action.

XIV. If the Shareholder against whom such Execution shall have been issued, his Executors or Administrators, shall, by reason of the Bankruptcy or Insolvency of any Shareholder, or from any other Cause, but without any wilful Neglect or Default on his own Part, be prevented from recovering any Portion of such Moneys, Costs, and Charges, it shall be lawful for him, his Executors or Administrators, again to divide the Amount which he was so prevented from recovering into as many equal Parts or Part as the Capital of the Company shall at that Time be considered as divided into (not including Shares under Forfeiture), except the Shares in respect of which such Default shall have happened; and every Shareholder for the Time being shall, in proportion to the Number of Shares which he may hold, and to the Extent of his Interest therein, pay One or more of such last-mentioned Shares upon Demand to the Shareholder against whom such Execution shall have been issued, or to his Executors or Administrators; and in default of Payment he or they shall have the same Remedies in all respects for the Recovery thereof as under the Provisions hereinbefore contained are given in respect of the original Proportions of such Moneys, Costs, and Charges; and in the event of any Portions of such Moneys, Costs, and Charges remaining unpaid by reason of any such Bankruptcy, Insolvency, or other Cause as aforesaid, such Shareholder, his Executors or Administrators, shall in like Manner

Shareholders may re-
apportion
Liabilities in
case of Bank-
ruptcy, &c.
of other
Shareholders.

The Stratford-upon-Avon Gas Act, 1857.

from Time to Time, and by way of cumulative Remedy, have (*mutatis mutandis*) the same Powers of again dividing and enforcing Payment of the Amount of such Portion until he shall in the End, if a past Shareholder, be fully reimbursed the whole of the said Moneys, Costs, and Charges, and if a then Shareholder, the whole, except the Portion appertaining to the Shares held by him.

Actions and
Suits at Law
not to abate.

XV. Provided always, That nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which shall be pending by or against the *Stratford-upon-Avon* Gaslight and Coke Company, or any Member thereof, in relation to the Affairs of the said last-mentioned Company, or to which the said last-mentioned Company or any Member thereof in relation to such Affairs shall be Parties immediately before the passing of this Act, but any such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by, in favour of, or against the Company (as the Case may be) in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the *Stratford-upon-Avon* Gaslight and Coke Company, or any Members thereof, if this Act had not been passed, the Company being, in reference to the Matters aforesaid, in all respects substituted for the *Stratford-upon-Avon* Gaslight and Coke Company or the Members thereof.

Trustees, &c.
to be indem-
nified.

XVI. Every Trustee or other Person in whom or in whose Name any Lands, Works, Erections, Buildings, or Property belonging to the *Stratford-upon-Avon* Gaslight and Coke Company were vested immediately before the passing of this Act, and who shall have entered into any Bond, Covenant, Contract, or Engagement in respect of or with reference to such Lands, Erections, Buildings, or Property, or who shall have entered into any other Contract on behalf of the *Stratford-upon-Avon* Gaslight and Coke Company, shall be indemnified and saved harmless out of the Funds or Property of the Company from all Liability, and against all Loss, Costs, Charges, and Expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such Bond, Covenant, Contract, or Engagement.

Capital.

XVII. The Capital of the Company for the Purposes of this Act shall be Three thousand seven hundred and fifty Pounds, divided into One hundred and fifty Shares of Twenty Pounds each, and One hundred and fifty Shares of Five Pounds each.

New Shares
to be substi-
tuted for
original
Shares.

XVIII. Such Shares shall be in substitution for the several Shares of the several Shareholders in the *Stratford-upon-Avon* Gaslight and Coke Company immediately before the passing of this Act, and the Shares so substituted shall be deemed and taken to be paid up to the same Extent to which the Shares for which the same are substituted were paid up at the Time of the passing of this Act, and shall confer on the Holders thereof the same Rights and Interests as they would have

The Stratford-upon-Avon Gas Act, 1857.

have enjoyed, and shall be subject to the same Liabilities as to Calls or otherwise in respect thereof as they would have been subject to, if this Act had not been passed, save in so far as such Rights, Interests, or Liabilities may be expressly altered by this Act.

XIX. The existing Certificates of the Shares in the *Stratford-upon-Avon* Gaslight and Coke Company shall, until called in, continue and be the Certificates of the Shares under this Act, and it shall not be necessary for the Company to issue fresh Certificates for such Shares, except under the Provisions of the "Companies Clauses Consolidation Act, 1845," in Cases where such Certificates shall be worn out or damaged, or lost or destroyed; but the Company may, if they think fit, at any Time call in such Certificates, and grant others in the Stead thereof.

Existing Certificates of Shares to be valid until called in.

XX. The Shares in the Company so substituted as aforesaid shall be vested in the Members of the *Stratford-upon-Avon* Gaslight and Coke Company upon the same Trusts, and subject to the same Powers, Provisoos, Declarations, Agreements, Charges, and Incumbrances, as the Share or Shares for which they are respectively substituted was or were subject or liable to immediately before the passing of this Act, and so as to give effect to and not to revoke any Will or other Instrument disposing of or affecting any such Share.

Substituted Shares to be vested in Members of original Company, with same Rights as original Shares.

XXI. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any General Meeting specially convened for the Purpose, to raise by the Creation of new Shares, in addition to the existing Capital of Three thousand seven hundred and fifty Pounds, any further Sum or Sums of Money for the Purposes of the Company, not exceeding in the whole Three thousand Pounds.

Power to raise additional Capital by Creation of new Shares.

XXII. Such new Shares shall be issued as Shares with a preferential maximum Dividend, not exceeding the Rate of Five Pounds Ten Shillings *per Centum per Annum*.

New Shares to be issued as preferential Shares.

XXIII. The Capital from Time to Time raised by any new Shares under this Act shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then ordinary Shareholders in proportion to the existing Shares then held by them respectively, and such new Shares shall be offered to them at Par in that Proportion.

New Shares to be offered to existing Shareholders.

XXIV. Every such Offer shall be made by Letter, under the Hand of the Secretary of the Company, given to every Shareholder, or sent by Post addressed to him according to his Address in the Shareholders Address Book, or left for him at his usual or then last known Place of Abode in *England*, and every such Offer made by Letter sent by Post shall be considered as made on the Day on which the Letter

Offer to be made by Letter.

in

The Stratford-upon-Avon Gas Act, 1857.

in due Course of Delivery ought to reach the Place to which it is addressed.

New Shares to vest in accepting Shareholders.

XXV. The new Shares so offered shall vest in and belong to the Holders of the ordinary Shares who accept them.

Disposal of unaccepted new Shares.

XXVI. If any such Holder fail for One Month after such Offer of new Shares to accept them, the Company may dispose of the unaccepted new Shares as they think fit.

Power to enlarge Time for accepting new Shares.

XXVII. Provided always, That the Company, if they think proper, but not otherwise, may permit any such Holder who, from Absence abroad or any other Cause satisfactory to the Company, omits to signify within the Time by this Act limited his Acceptance of the new Shares offered to him, to accept them notwithstanding the Time have elapsed.

Calls.

XXVIII. Two Pounds Ten Shillings shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Two Calendar Months at the least shall intervene between the making of any Two successive Calls, and not more than Three Fifth Parts of the Amount of a Share shall be called up in any One Year.

Power to borrow on Mortgage or Bond.

XXIX. It shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond, or otherwise howsoever, for the Purposes of this Act, any Sum or Sums of Money not exceeding at any One Time Five hundred Pounds, and when and as soon as the whole Capital authorized to be raised by Shares shall have been subscribed, and One Half thereof paid up, any further Sum or Sums of Money not exceeding, with the Money then borrowed, One thousand Pounds.

Application of Money.

XXX. All Money raised under the Powers of this Act by Shares or borrowing shall be applied only to the Purposes of the Undertaking by this Act authorized.

Number and Qualification of Directors.

XXXI. Subject to the Directions herein contained for reducing the Number of Directors, the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Three Shares at the least in the Undertaking, and no Director shall continue in Office after he shall cease to be the Holder of Three Shares at least in the Capital of the Company.

Power to reduce Number of Directors.

XXXII. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, but the whole Number of Directors after any such Reduction as aforesaid shall not be less than Three.

First Directors.

XXXIII. The Persons who at the Time of the passing of this Act form the Committee of Management of the *Stratford-upon-Avon Gas-light and Coke Company*, under the Articles of Agreement of the Seven-

The Stratford-upon-Avon Gas Act, 1857.

Seventeenth *March* One thousand eight hundred and thirty-four, shall be the First Directors of the Company.

XXXIV. The Quorum of a Meeting of Directors shall be Three, and when the Number of Directors shall have been reduced to Three shall be Two. Quorum of Directors.

XXXV. Each Shareholder at any Meeting of the Company to be held under this Act shall be entitled to One Vote in respect of every Share of the nominal Value of Twenty Pounds, and to One Vote in respect of such Number of Shares of a less Denomination than Twenty Pounds as shall in the aggregate amount to Twenty Pounds. Scale of voting.

XXXVI. The Company may from Time to Time allow to the Auditors such Remuneration as the Company may think fit. Remuneration of Auditors.

XXXVII. Subject to the Provisions of this Act and the incorporated Acts contained, the Company may by Agreement, and not otherwise, purchase, hold, and use Lands and Buildings to any Extent not exceeding Two Acres, and may manufacture Gas, and may supply Gas within the Limits of this Act, and may sell, manufacture, and dispose of the Coke and other Residuum arising, remaining, or to be obtained from the Materials used in the Manufacture of Gas in such Manner as the Company may think fit, and may provide, do, and perform all Acts, Matters, and Things requisite or desirable for those Purposes: Provided always, that the Company shall not erect any Works for the Manufacture of Gas upon any Land other than such Land as is vested in them, and upon which Gasworks are erected at the Time of the passing of this Act, or on Land immediately adjoining thereto. Power to purchase Lands and to manufacture and sell Gas, Coke, &c.

XXXVIII. All the Gas supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven Inch Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Twelve Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour. As to Quality of Gas supplied by the Company.

XXXIX. The Company shall, within Six Months after the passing of this Act, cause to be erected in some convenient Part of their Works an experimental Meter, furnished with an Argand Fifteen Hole Burner and a Seven Inch Chimney, or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas. Company to erect a Meter to test the illuminating Power of Gas.

XL. It shall at any Time be lawful for any Two Justices of the County of *Warwick*, not being Directors or Shareholders of the Company, on receiving a Requisition, signed by not less than Five Consumers of the Gas of the Company, complaining that the Gas supplied Power to Justices on Requisition to authorize testing of Gas.

[*Local.*]

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to

The Stratford-upon-Avon Gas Act, 1857.

Recovery of
Rent and
Price of Gas
Fittings, &c.

XLVIII. The Company may recover the Price or Rent of any Pipe, Burner, Meter, Lamp, or Fitting sold, delivered, or let to Hire by them, in the same Manner as they may recover Rent due for the Supply of Gas under the Provisions of "The Gasworks Clauses Act, 1847," and One Warrant issued for any of the Purposes of this Act may contain in the Body thereof, or in a Schedule thereto, several Names and several Sums.

Costs of War-
rant to be
included in
Warrant of
Distress.

XLIX. Any Justice who shall issue any Warrant of Distress for the Recovery of any Money payable under this Act, or any Act incorporated herewith, may order that the Costs of the Proceedings for the Recovery of such Money shall be paid by the Person liable to pay such Sums of Money, and such Costs shall be ascertained by such Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Power to re-
cover Debt
and Costs by
Action at
Law.

L. In addition to the Power given by "The Gasworks Clauses Act, 1847," in this Behalf, the Company may recover the Rate, Rent, or Price of Gas, or the Price or Rent of any Pipe, Meter, Lamp, or Fittings supplied, sold, delivered, or let by the Company, together with the Expense of cutting off the Service Pipe or Gas, by Action in any Court of competent Jurisdiction, although the Demand in respect thereof may be less than Twenty Pounds, and the Register of the Meter shall be *prima facie* Evidence of the Quantity of Gas consumed by any Customer of the Company in respect of which any Rent is charged or sought to be recovered by the Company.

General
saving of
Rights.

LI. Nothing in this Act contained shall extend or be construed to extend to defeat, abridge, obstruct, or in any Manner interfere with the Rights, Powers, and Authorities of the Mayor, Aldermen, and Burgesses, or of the Local Board, but all such Rights, Powers, and Authorities now held and enjoyed by the Mayor, Aldermen, and Burgesses, or the Local Board, shall henceforward be held and enjoyed by them respectively in as full and ample Manner to all Intents and Purposes as if this Act had not been passed, save only so far as the same may be affected by the due and lawful Exercise of the Powers hereby vested in the Company.

Expenses of
Act.

LII. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

LONDON:

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