

## An Act to incorporate the "Maitland Gaslight Company (Limited.)" [9th June, 1874.]

MAITLAND GASLIGHT  
COMPANY'S  
INCORPORATION.

**W**HEREAS by virtue of an Act of the Legislature of New South Wales passed in the twenty-third year of the reign of Her present Majesty intituled "*An Act for enabling John Warn Tuck to light with gas the Towns of East Maitland and West Maitland in the Colony of New South Wales*" the said John Warn Tuck being then seized in fee and possessed of certain lands and premises in the Town of West Maitland and of certain Gas-works plant machinery goods and chattels thereon erected situate and being was authorized to erect retorts gasometers meters and other works as by the said Act provided for the purpose of producing inflammable air or gas from coal oil tar pitch or other material for lighting and supplying with gas all public and private roads streets and buildings within the said Towns of East and West Maitland and also for manufacturing selling and disposing of all and every product refuse or residuum to be obtained from the material used in such business And whereas it was by the said Act enacted that whenever the name of the said John Warn Tuck was therein used it should be considered to extend and include his executors administrators and assigns And whereas after the said works had been in actual operation for fourteen years it was agreed between the said John Warn Tuck and the promoters of a Company then in process of formation and since formed and established under the style and name of "The Maitland Gaslight Company (Limited)" that the Gasworks plant machinery stock-in-trade and good-will belonging to the said John Warn Tuck should be purchased on behalf of the said Company And whereas by an indenture bearing date the sixth day of January one thousand eight hundred and seventy-three and made between the said John Warn Tuck and Henry Goddard Tuck then trading together under the name style and firm of "Tuck and Son" (the said Henry Goddard Tuck joining to convey and assign what nominal interest in the premises if any he might have as by the said indenture acknowledged) of the one part and Falkner Hope Bartlett and Samuel Clift therein described of the other part they the said John Warn Tuck and Henry Goddard Tuck did for the consideration therein set forth convey and assure unto the said Falkner Hope Bartlett and Samuel Clift all the estate right title and interest of them the said John Warn Tuck and Henry Goddard Tuck in and to the land and premises and appurtenances thereto and in the good-will and business of the Gasworks manufactory and business as thereafter described upon trust that they the said Falkner Hope Bartlett and Samuel Clift or the survivor of them their or his heirs executors administrators and assigns should grant release convey and assign the said land hereditaments good-will stock in trade plant right title interest and premises thereinbefore mentioned unto such person or persons upon such trusts and to and for such intents and purposes and with under and subject to such powers provisoes agreements and declarations as the directors for the time being of the "Maitland Gaslight Company (Limited)" should from time to time appoint and in default of and until such direction limitation or appointment to stand possessed of the said land hereditaments and premises upon trust for the members and shareholders of the said Company their heirs executors administrators and assigns according to their several and respective shares and interests in the said Company And whereas the

Preamble.  
Company

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Company in the said indenture mentioned has lately been established at West Maitland in the said colony under the name of the "Maitland Gaslight Company (Limited)" under and subject to the provisions contained in a certain deed of settlement bearing even date with the said lastly-recited indenture and purporting to be the deed of settlement of the said Company. And whereas by the said deed of settlement the several parties hereto have respectively and mutually covenanted and agreed that whilst holding shares in the capital of the Company they should be and continue a Joint Stock Company or partnership under the style or firm of the "Maitland Gaslight Company (Limited)" from the day of the date of the said deed of settlement until the said Company should be dissolved under the provisions in that behalf thereafter contained for the purpose of carrying on and exercising the business of producing inflammable air or gas from coal oil tar pitch or other material and of lighting and supplying with gas all public and private places roads streets and buildings within the Towns of East Maitland and West Maitland. And also for manufacturing selling and disposing of all and every product refuse or residuum to be obtained from the material used in such business. And for such purpose to purchase or lease lands offices and buildings and from time to time to make erect sink lay place and fix such retorts gasometers meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings of such construction and in such manner as should be deemed necessary and proper for carrying the objects of the said Company into execution. And to make contracts for the supply of gas for any public or private place or building and for such purpose to lay down carry fit up connect and furnish any pipe branch burner lamps meter or other apparatus and generally to carry on the manufacture and supply of gas and sale of products refuse or residuum in such manner as provided by the hereinbefore recited Act of Parliament and in such manner and form as the Board of Directors should think most beneficial to the interests of the said Company. And whereas by the said deed of settlement it was further agreed that the capital of the said Company should consist of £15,500 (fifteen thousand five hundred pounds) to be constituted in 3100 (three thousand one hundred) shares of £5 (five pounds) each and of such further sum or sums of money as should thereafter be raised by the creation of new shares as thereafter in the said deed provided. And whereas the original capital of the said Company consisting of the said 3,100 (three thousand one hundred) £5 (five pound) shares has been fully paid up. And whereas the said Company is desirous of extending its operations so far as the same are authorized by law. And whereas the said Company is desirous of being incorporated with limited liability and with the powers and subject to the provisions hereinafter respectively conferred and imposed. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited for all purposes as the "Maitland Gas Act of 1874."

Interpretation of terms.

2. The following words and expressions in inverted commas shall have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction that is to say—

"The Company"—Shall mean the Company incorporated by this Act.

"Directors"—The directors of the said Company duly appointed under the provisions of the deed of settlement.

"Deed

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“Deed of Settlement”—The deed of settlement of the Company for the time being.

“Shareholder”—Proprietor or holder of a share or shares in the said Company.

“Undertaking”—The business for the purpose of which the Company was established and is incorporated by this Act.

“Street”—Shall include any road or public highway.

3. Samuel Clift John Warn Tuck George Judah Cohen Edward Peter Capper Falkner Hope Bartlett and all persons who have already or shall hereafter become holders of a share or shares in the capital for the time being of the Company in manner provided by the deed of settlement shall be and they are hereby incorporated by the name of “The Maitland Gaslight Company (Limited)” subject nevertheless to the provisions and conditions hereinafter expressed And by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase and hold lands for the purposes of the undertaking and shall and may sue and be sued plead and be impleaded answer and be answered unto defend and be defended in all Courts and places whatsoever.

Company incorporated.

4. The several regulations provisions and conditions contained in the deed of settlement or to be made in pursuance of the powers and provisions therein in that behalf contained are hereby declared to be the by-laws for the time being of the Company so far as the same shall not be inconsistent with the provisions of this Act And such by-laws may be amended altered or repealed in the manner prescribed by the deed of settlement But no by-law or regulation shall be made by the Company under or by virtue of the said deed of settlement or of this Act in opposition to the general scope or true intent and meaning of the said deed or Act And the production of a written or printed or partly written and partly printed copy of the said deed or of any by-law or regulation to be made in pursuance thereof or of this Act having the common seal of the Company affixed thereto shall be sufficient evidence in all Courts whatsoever of such deed by-law or regulation.

Confirmation of deed of settlement.

Evidence of by-laws

5. All lands and premises and the plant and machinery thereon and all securities covenants debts money choses in action and goods and chattels whatsoever at present vested in or belonging to the trustees of the Company or any other person on behalf of the Company shall immediately after the passing of this Act and without any assignment or conveyance become vested in the Company for the same estate and interest and with the like powers and authorities and subject to the same obligations and liabilities as the same are now vested in the said trustees or other persons.

Property in Trustees vested in Company.

6. It shall be lawful for the Company subject to the provisions herein or in the deed of settlement contained to produce or extract inflammable air or gas from coal oil tar pitch or other material and to light and supply with gas all public and private places roads streets and buildings within the said Towns of East and West Maitland and to manufacture sell or otherwise dispose of all and every product or residuum to be obtained from the material used in such business And for such purposes the Company may purchase and contract for the procuring of coal and other materials as aforesaid and purchase or lease lands offices and buildings and make erect sink lay and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers watercourses pipes reservoirs and buildings of such construction and in such manner as shall be deemed necessary and proper for the purpose of carrying out the objects of the said Company.

Business of the Company.

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Increase of capital.

7. It shall be lawful for the Company from time to time to extend or increase its capital for the time being by the creation and disposal of new shares in the manner specified and set forth and subject to the rules regulations and provisions contained in the deed of settlement.

Powers to execute negotiable instruments.

8. It shall be lawful for the directors from time to time as they shall see fit in the manner specified in the deed of settlement to make accept and indorse such promissory-notes or bills of exchange on behalf of the Company for any purposes connected with the legitimate affairs and concerns of the Company and the making accepting and endorsing of any such promissory-notes or bills of exchange by the director or directors authorized in that behalf for and on behalf of the Company shall be binding on the Company.

Shares to be personal estate.

9. The shares in the capital of the Company and all the funds and property of the Company and all shares therein shall be personal estate and transmissible as such subject to the restrictions for that purpose contained in the deed of settlement and shall not be of the nature of real estate.

Transfers of shares to be by deed.

10. Subject to the provisions of the said deed of settlement every shareholder may sell and transfer all or any of his shares in the capital of the Company (but not a fractional part of a share) and every such transfer shall be by deed and according to a form to be approved of by the directors and the transferee of such shares shall so soon as he has complied with the provisions relative to the transfer of shares contained in the said deed become a shareholder in respect of such share or shares.

Company not bound to regard trusts.

11. The Company shall not be bound to notice or see to the execution of any trust whether express implied or constructive to which any share may be subject and the receipt of the party in whose name any share shall stand in the books of the Company or if it stands in the name of more parties than one the receipt of one of the parties named in the share register hereinafter mentioned shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share notwithstanding any trust to which such share may then be subject and notwithstanding that the Company have had notice of such trusts and the Company shall not be bound to see to the application of the money paid upon such receipt.

The assignee of insolvent shareholders and the trustees of assigned estates to nominate some person to become a proprietor in respect of shares of such insolvent or assigned estate.

12. In case the assignee of any insolvent shareholder shall elect to accept the shares of such insolvent or in case the trustees of any estate assigned for the benefit of creditors shall elect to accept the shares belonging to such assigned estate such assignee or trustees shall forthwith nominate some other person to become a proprietor in respect of such shares such nominee to be subject to the approval of the directors But in no case shall such assignee or trustees be entitled to become shareholders in respect of the shares of any insolvent shareholder or of any shareholder whose estate shall have been so assigned as aforesaid.

Share register to be kept.

13. The directors shall cause a book to be kept to be called the share register and in such book shall be fairly and distinctly entered from time to time the names and addresses of the several persons entitled to shares in the Company together with the number of shares to which such shareholders shall be respectively entitled And such share register shall be admitted in all Courts as *prima facie* evidence of the person named therein as a shareholder being such shareholder and of the number of his shares And every shareholder or other person having a judgment at law or a decree in equity against the Company may at all convenient times peruse such share register gratis and may require

Such register to be evidence of title.

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require a copy thereof or any part thereof and for every one hundred words or part of one hundred words so required to be copied the Company may demand a sum not exceeding one shilling.

14. Nothing in this Act contained shall prejudice or be construed to prejudice any call made or any contract or other act deed matter or thing entered into made or done by the Company or by any person on behalf of the Company under or by virtue of the deed of settlement before this Act comes into operation but the same call contract act deed matter or thing shall be as valid and effectual to all intents and purposes and may be enforced in like manner as if the Company had been incorporated before the same call contract act deed matter or thing had been made entered into or done.

Act not to prejudice any contract &c. already entered into.

15. In any action or suit to be brought by the Company against any shareholder to recover the money due for or in respect of any call made by virtue of this Act or of the said deed of settlement it shall be sufficient for the Company to declare and allege that the defendant being the proprietor of such or so many shares in the capital of the Company is indebted to the Company in such sum of money as the call in arrears shall amount to for such call of such sum of money upon such share or so many shares belonging to the said defendant whereby an action hath accrued to the Company without setting forth any special matter and on the trial of such action or suit it shall not be necessary to prove the appointment of directors who made such call or any other matter except that the defendant at the time of making such call was a holder or proprietor of one or more share or shares in the capital of the Company and that such call was in fact made and such notice thereof and of the time fixed for the payment thereof given as directed by the said deed of settlement And the Company shall thereupon be entitled to recover what shall appear due upon each call with interest thereon.

Actions or suits for calls.

16. If any execution either at law or in equity shall be issued against the property or effects of the Company and if there cannot be found sufficient whereon to levy such execution then such execution may be issued against any of the shareholders for the time being to the extent of their shares respectively in the capital of the Company not then paid up And no such shareholder or his real or personal estate shall be liable for any debt or demand whatsoever due or to become due from or by the Company beyond the extent of his shares in the capital of the Company not then paid up Provided always that no such execution shall issue against any such shareholder except upon an order of the Court in which the action suit or other proceeding shall have been brought or instituted made upon motion in open Court after sufficient notice in writing to the person sought to be charged And upon such motion such Court may order execution to issue accordingly.

Execution against shareholders and their liability.

17. Every shareholder against whose property or effects any such execution aforesaid shall have been issued as aforesaid shall be entitled to recover against the Company all loss damage costs and charges which such shareholder may have incurred by reason of such execution and after due diligence used to obtain satisfaction thereof against the property and effects of the Company such shareholder shall be entitled to contribution for so much of such loss damages costs and charges as shall remain unsatisfied from the several other shareholders against whom such execution might also have been issued under this Act subject to the limitation hereinbefore provided and such contribution may be recovered according to the provisions in that behalf in the said deed of settlement contained.

Reimbursement in such cases.

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Execution against  
shareholders.

18. Execution of any judgment decree or order in any action or suit against the Company to be issued against the property and effects of any shareholder of the Company or against the property and effects of the Company at the suit of any shareholder in satisfaction of any money damages costs and expenses paid or incurred by him as aforesaid in any action or suit against the Company may be issued by leave of the Court or of a Judge of the Court in which such judgment decree or order shall have been obtained upon motion or summons for a rule to show cause and it shall be lawful for such Court or Judge to make absolute or discharge such rule or allow or dismiss such motion (as the case may be) and to direct the costs of the application to be paid by either party or to make such other order therein as to such Court or Judge shall seem fit and in such cases such forms of writs of execution shall be sued out of the Courts of Law and Equity respectively for giving effect to the provisions in that behalf aforesaid as the Judges of such Courts respectively shall from time to time think fit to order and the execution of such writs shall be enforced in like manner as writs of execution are now enforced Provided that any order made by a Judge as aforesaid may be discharged or varied by the Court on application made thereto by either party dissatisfied with such order provided also that no such motion shall be made nor summons granted for the purpose of charging any shareholder or former shareholder until ten days' notice thereof shall have been given to the person sought to be charged thereby.

Dividends to be paid  
from profit only.

19. In every case dividends or bonuses shall be declared and paid out of the net gains and profits of the Company and not out of the capital for the time being of the Company or any portion thereof.

Power to borrow or  
mortgage on debentures.

20. It shall be lawful for the directors in pursuance of a resolution to that effect passed at any special general meeting of the shareholders to be convened for that purpose to borrow from time to time upon mortgage of the property and revenue of the Company from whatever source arising or upon debentures chargeable thereon issued under the hands of any two of the directors named in such resolution any sum or sums of money not exceeding in the aggregate an amount equal to the paid-up capital of the Company Provided also that no such resolution shall be valid and effectual to authorize the exercise of the power herein conferred unless there shall be present at such meeting either in person or be represented by proxy (specially given for the purpose of the said meeting) shareholders holding in the aggregate not less than the one-third of the paid-up capital of the Company.

Power to acquire  
lands.

21. It shall be lawful for the Company to purchase acquire hold and enjoy for any estate or interest any lands premises or hereditaments as may be necessary or proper for conducting and carrying on the undertaking And to sell convey assure demise or otherwise dispose of or deal with any such land premises or hereditaments as occasion may require And any person not otherwise incompetent so to do shall have full power to grant sell alien release convey assure demise and dispose of any such lands premises or hereditaments unto and to the use of the Company for the purposes aforesaid.

Power to sell to  
Company.

Power to erect gas-  
holders break up  
streets &c.

22. The Company is hereby fully authorized and empowered by its servants contractors agents workmen and others from time to time to make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers watercourses pipes reservoirs buildings and other works and devices of such construction and in such manner as the Company shall think necessary or proper for the purpose of carrying out the operations of a Company and also to break up the soil and pavement of any highway street road way lane passage or other public place or thoroughfare or of any roadway thoroughfare or place dedicated to or used by the public as such

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such or any part or parts thereof and to erect posts pillars lamps lamp irons and other apparatus in the same highways streets roads ways lanes passages and other thoroughfares and places or against any wall or walls erected on or adjoining to any of them and to dig and sink trenches and drains and to lay mains and pipes and to put stop-cocks siphons plugs or branches from such mains or pipes in under across or along such highways streets roads ways lanes passages and other thoroughfares and places and also to do the like in under across or along any private roads ways lanes passages buildings and places and from time to time to cut stop remove alter repair replace and relay such main pipes stop-cocks siphons plugs branches or other apparatus Provided that it shall not be lawful for the Company to open break up or remove the soil or pavement of any street or bridge or to open or break up any sewer or bridge within the boundaries of either of the Municipalities of East or West Maitland until and unless a written notice of the intention of the Company to commence any such work as aforesaid shall be delivered to the Council Clerk of the Municipality within the boundaries of which the work shall be intended to be commenced at least twenty-four hours before the commencement of such work.

23. It shall be lawful for the Company to contract with any person (whether incorporate or individual) for supplying with gas any such person or any street way lane passage manufactory shop warehouse public or private house building or place and for such purpose from time to time to lay down carry fit up connect and furnish any pipe branch or burner lamp meter or other apparatus from or in connection with any main pipe or to lay down any new main which for such purposes may be required and to let any such apparatus for hire for such sum as may be agreed upon which sum may be recovered in the like manner as any rent or remuneration for the supply of gas. Provided always that in all cases where damage may be done by the Company its agents workmen or others in the course of laying on or removing apparatus the said damage shall be made good at the expense of the Company and in case it shall delay within a reasonable time to make good such damage the owner or occupier of such premises may make good the same and recover the expense thereof from the said Company in the same manner as is herein provided for the recovery of any sum of money payable under the provisions of this Act. Provided also that if any owner or occupier of any building tenement or place or any person acting for him shall refuse reasonable access to the contractors agents workmen or servants of the Company for the purpose of removing any such pipe burner lamp meter or apparatus placed or introduced into any such building tenement or place by the Company or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the Company for such pipe burner meter or apparatus. And in default of his so doing within three days after demand thereof made at the same building tenement or place or the residence of the party it shall be lawful for the Company to make complaint thereof before any Justice of the Peace who may cause to be issued a summons to the person so making default calling on him to shew cause before the Court of Petty Sessions of the Police District where the building tenement or place is situated why he refuses to pay such demand and thereupon the said Court shall proceed to the adjudication and enforcement of such demand in the manner hereinafter set forth And if any person shall place or lay any pipe to communicate with any main pipe meter or other apparatus already laid placed or erected by the said Company or shall use additional burner or burners of larger dimensions or of other kind or description

Power to contract  
for gas.

And carry out works.

Occupier obstructing  
removal of apparatus.

Fraudulent use of  
gas obstruction of  
workmen damage to  
apparatus.

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description than he has contracted with the Company to use or shall keep the gas supplied by the Company burning for a longer time than he has contracted with the Company to pay for or shall supply any person with any of the gas supplied to him by the Company without the consent in writing of the Company first obtained or if any person shall wantonly or maliciously hinder or interrupt the contractors workmen agents or servants of the Company in legally doing or performing any of the Acts aforesaid or in exercising the powers and authorities by this Act given or if any person shall wilfully negligently or accidentally do or cause to be done any injury or damage to any of the buildings machinery pipes burners lamp; meters or apparatus of the Company or remove the same or cause a waste or improper use of gas supplied by the Company it shall be lawful for the Company to make a complaint thereof before any Justice of the Peace who may cause to be issued a summons to the person so offending to appear before the Court of Petty Sessions for the Police District where such offence shall be committed and being thereof lawfully convicted such person shall forfeit and pay to the Company any sum not exceeding *five* pounds over and above all damages done and over and above all costs such sum to be ascertained by such Court and to be enforced by distress and all proceedings under this Act not herein expressly provided for shall be regulated and conducted in accordance with the powers of the law in force for the time being regulating summary proceedings before Justices of the Peace and all such provisions shall so far as the same are applicable be enforced and observed in all proceedings under this Act not herein expressly provided for.

Apparatus not liable  
for distress execution  
&c.

24. No pipe burner lamp meter or other apparatus of the Company being set up in any building tenement or place shall be subject to distress for rent or shall be taken in execution under any process or proceeding of any Court of Law or Equity or under any proceedings in Bankruptcy or Insolvency save so far as any process or proceedings against the Company are concerned.

Materials of street  
broken &c. to be re-  
placed.

25. When and so often as the Company its servants contractors agents or workmen shall have opened broken up or removed the soil or pavement of any street or bridge as aforesaid or shall have opened or broken up any sewers or bridges the Company shall make all reasonable despatch or performance of the work to be done and shall on completion of such work forthwith carry away all rubbish and waste or surplus material and reinstate such pavement stone or other material and render such street or bridge and every such sewer drain and tunnel within or under the same as nearly as possible in the same condition as it was in previously to the disturbance thereof and during the continuance of such work and until such reinstatement the Company shall set up sufficient barriers and keep lights burning at night in order to prevent accidents and also when and so often as any gas pitch waste tar waste liquid or other things shall escape or flow from any pipe receivers or drain being part of or incidental to the works to be erected under this Act so as to contaminate the air or any stream spring or other watercourse or body of water natural or artificial and render the same unhealthy offensive or unfit for use it shall be lawful for any person to give notice thereof in writing to the Company who shall immediately take the most speedy and effectual measures to remedy and prevent the same And if the Company shall make default in any of the matters so required by it to be performed it shall be lawful for any person to lodge a complaint thereof before any Justice of the Peace who may summon the Company before the nearest Court of Petty Sessions and on proof of such default the said Court of Petty Sessions shall order and direct that the same shall be done by the said Company within a reasonable time to be named by such Court and in default

Barriers and lights  
to be kept up.

Nuisances.



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default of compliance with such order any Justice of the Peace on proof thereof and on proof that the complainant or any other person has performed the said work so to be done and of the costs charges and expenses attending the same shall issue a distress warrant against the goods and chattels of the Company for any amount not exceeding the charge and expenses and the costs of prosecuting such complaint to be paid to the person performing the said work as aforesaid.

26. In case any person or persons or any body or bodies corporate commissioners or trustees who shall contract with the Company or agree to take or shall take use or enjoy the gas of the Company either in private dwellings shops inns taverns or other buildings manufactories grounds or premises or otherwise shall refuse or neglect after demand to pay the sum or sums of money then due under their his or her contract for the same to the said Company according to the terms and stipulations of the said respective parties with the Company it shall be lawful for the Company to make complaint thereof before any Justice of the Peace for the said colony who may issue a summons to the party so refusing or neglecting to pay as aforesaid calling on him to show cause before the Court of Petty Sessions in the police district in which such building tenement or place is situated why he refuses to pay such sum or sums and thereupon the said Court shall proceed to the adjudication and enforcement of the said demand and costs charges and expenses in the prosecution thereof by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same rendering the surplus if any to such person or persons so neglecting or refusing And it shall also be lawful for the Company to cut off and take away the supply of gas from the house or houses inn tavern shop manufactory warehouse or other buildings premises or places of every such person so making default in payment of such sum or sums of money then due by his or her or their contract to the Company after such demand as aforesaid and thenceforth to discontinue the supply of gas contracted for with the Company by such person or persons Provided always that any person may appeal from any such judgment order or conviction in accordance with the provisions of the Act or Acts in force for the time being regulating appeals from summary convictions or orders of Justices. Remedy for the recovery of rates.

27. The Company shall not be bound in any manner by any trusts or equitable interests or demands affecting any shares of the capital standing in the name of any person as the ostensible proprietor thereof or be required to take any notice of such trusts or equitable interests or demands but the receipt of the person in whose name the shares shall stand in the books of the said Company shall notwithstanding such trusts or equitable interests or demands and notice thereof to the said Company be a good valid and conclusive discharge to the Company for and in respect of any dividend or for money payable by the said Company in respect of such shares and a transfer of such shares in accordance with the regulations in that behalf contained in the said deed of settlement by the person in whose name such shares shall so stand shall notwithstanding as aforesaid be binding and conclusive as far as may concern the said Company against all persons claiming by virtue of such trusts or equitable interests or demands Provided always that nothing herein contained shall be deemed or taken to interfere with or abridge the right and power of a Court of Equity to restrain the payment of any such dividend or other money payable thereafter by the Company in respect of any such shares or to direct the payment of such dividends or other money by the Company in the transfer of such shares by the person in whose name they may stand to such other person as such Court may think fit. Trusts or equitable interests respecting shares.

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*Underwood's Estate Act Amendment.*

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Indictment for  
nuisances.

28. Nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding against the Company for nuisance or otherwise in respect of the works or means used or employed by the said Company in exercising the privileges hereby on it conferred nor shall anything herein contained limit restrict or in any manner affect the right of any Municipality or of any other person or Company hereafter empowered by the Legislature to supply gas to the said Towns of East and West Maitland or to exercise any powers which it may be deemed expedient or necessary to grant for that purpose.

Custody and use of  
corporate seal.

29. The directors for the time being shall have the custody of the common seal of the Company and the form thereof and all other matters relating thereto shall from time to time be determined by the directors in the same manner as is provided by the said deed of settlement for the determination of other matters by the directors and the directors present at a Board of Directors of the Company or a majority of them shall have power to use such common seal or authorize the same to be used for the affairs and concerns of the Company and under such seal to authorize and empower any persons without such seal to execute any deeds and do all or any such other matters and things as may be required to be executed and done on behalf of the Company in conformity with the provisions of the said deed of settlement and of this Act but it shall not be necessary to use the corporate seal in respect of any of the ordinary business of the Company or for the appointment of any attorney or solicitor for the prosecution or defence of any action suit or proceeding or of any officer or servant of the Company and such seal may be affixed to any deed or document by the hand of any person whom the directors shall appoint in that behalf and the affixing thereof shall be attested by at least one director and such person so appointed.

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