



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. x.

An Act for lighting with Gas the City and County
of the City of *Exeter*. [11th April 1816.]

WHEREAS the City and County of the City of *Exeter* is a large and populous Place, and it would be of great Benefit to the Citizens and Inhabitants thereof, and to the Public at large, if the Streets and other public Passages and Places were better lighted: And whereas Inflammable Air, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be procured from Coal: And whereas the said Inflammable Air, being conveyed by means of Pipes, may be safely and beneficially used for lighting the several Streets, Squares, Market Places, and other Places within the said City and County of the same City, and for lighting private Houses, and the Coke may be beneficially employed as Fuel in private Houses and Manufactories; and the said Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be used and applied in various other ways with great Advantage: And whereas the several Persons herein-after named are willing and desirous, at their own Costs and Charges, to effect the several Purposes aforesaid; but such beneficial Purposes 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 *Samuel* Proprietors; *Arthur, Matthew Barrett, Henry Blackall, George Braund, John Cole, Robert Cornish, Robert Cornish the younger, William Crockett, Henry* [Local.] 29 *Cross,*

their Style
and Powers.

*Crofs, David Davies, Edward Divett, Edward Divett the younger, William Down, Gilbert Dyer, William Ellis, Henry Ezekiel, Thomas Flindell, Edward Gattey, James Golfworthy, Edmund Granger, Thomas Granger, James Green, Moses Johnson, Thomas Horrell, Thomas Horrell the younger, John Hutchings, William Kendall, Samuel Kingdon, William Kingdon, Richard Kingdon, William Langworthy, William Lee, John Molland, Richard Moxhay, Reuben Philips, James Pearse, Humphrey Pinkey, John Sweetland, Robert Tothill, John Wedgwood, Samuel White, John William Williams, Edward Woolmer, and all and every such other Person or Persons as from Time to Time shall be duly admitted Members into their Company, 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 Exeter Gas Light and Coke Company, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall be established for the Purpose of producing Inflammable Air, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, from Coal; and shall have full Power to enter into any Contracts with the Commissioners for putting into Execution an Act passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act for better and more effectually paving, lighting, cleansing, watching, and otherwise improving the Streets, Ways, and other public Passages and Places in the City and County of the City of Exeter*, or any Five of them, or with any any other Persons having the Controul, Direction, or Management of the lighting of any of the Parishes or Extra-parochial Places within the City and County of the City of *Exeter*, or any of the Liberties or Precincts thereof respectively, or any Persons, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, willing and desirous of contracting with the said Company of Proprietors for the lighting of any such Parishes or Places, or any Streets, Squares, public Market Places or Manufactories, or private Houses or Places of public Exhibition within the said Parishes or Extra-parochial Places, situate within the said City and County or Liberty thereof, or Liberties or Precincts aforesaid; and to sell and dispose of such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and all other Products arising from Coal, under such Conditions, Limitations, and Restrictions as shall be herein-after expressed.*

Company of
Proprietors
may contract
for the Purchase of
Lands and
Buildings.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby empowered and required, as soon as conveniently may be after the passing of this Act, to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said City and County of the City of *Exeter*, (not exceeding Ten Acres in the whole) 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, Husbards, 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, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seized, possessed of or interested in their own Right, or with any Person or Persons whomsoever who shall be willing to sell the same

same, for the Uses and Purposes of this Act; and it shall and may be lawful to and for the said Company of Proprietors to hold such Lands, Tenements, and Hereditaments so purchased, 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.

III. And be it further enacted, That it shall and may be lawful to and 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, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, who are or shall be seized, possessed of or interested in their own Right, and all and every Person and Persons whomsoever who are or shall be seized, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Company of Proprietors to be purchased for the Uses and Purposes of this Act, and to treat, contract, and agree with the said Company for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Company of Proprietors, 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 Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, 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, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Bodies Politic, &c. empowered to sell.

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, taken or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, 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

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

the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte The Exeter Gas Light and Coke Company*, together with the Name or Names of such Person or Persons as any Three or more of the Committee of Management of the said Company shall by Writing, signed by them, direct and appoint; to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons 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 the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Wills, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used 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 mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery upon Application made thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, 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 Person or Persons 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.

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

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, purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any 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 Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be named by the Person or Persons making such Option, and approved by

by Three or more of the said Committee of Management (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 arising 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.

VI. Provided also, and be it further enacted, That where such Money so contracted and agreed to be paid as last before-mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used 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 any cases of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Directing
Application
of Purchase
Money not
exceeding
20l.

VII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the said Accountant General of the 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 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 Person or Persons 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 High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly; unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of
questionable
Title to the
Money, Per-
sons in Pos-
session of the
Lands to be
deemed en-
titled thereto
until the con-
trary shall be
shewn.

VIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, 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 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 of Proprietors, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

Expences of
Purchases
may be
allowed by
the Court.

[Local.]

R r

IX. And

**On Payment
of Purchase
Money, Pre-
mises vested
in the said
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 of Proprietors to the Party or Persons respectively entitled to such Monies, or their Agents, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in Manner herein-before directed, and upon the Conveyance in Manner herein-after directed of such Lands, Tenements, or Hereditaments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or Equity of the Person or Persons respectively to whose Use the same shall be paid, in, to, or out of such Lands, Tenements, and Hereditaments, shall vest in the said Company of Proprietors and their Successors for ever, for effecting the Uses and Purposes of this Act.

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 of Proprietors and their Successors shall be made in the Form and to the Effect following; (that is to say),

Form of Conveyance.

‘ I of in
‘ Consideration of the Sum of Pounds to me
‘ paid by the Company of Proprietors, established under or by virtue of
‘ an Act passed in the Fifty-sixth Year of the Reign of King George the
‘ Third, intituled *An Act [here insert the Title of this Act]* do hereby
‘ grant and release to the said Company of Proprietors and their Successors
‘ all *[here describe the Premises to be conveyed]* and all my Right, Title,
‘ and Interest in and to the same and every Part thereof, to hold to the
‘ said Company of Proprietors and their Successors for ever. In Witness
‘ whereof I have hereunto set my Hand and Seal, this
‘ Day of in the Year of our Lord

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever, as, to, and against the Person or Persons 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, or in Remainder, Reversion, or Expectancy as aforesaid; and the same shall be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do, if levied or suffered by the proper Parties in due Form of Law; any Law, Statute, Usage or Custom to the contrary thereof notwithstanding.

Stock to be raised not to exceed, &c.

XI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves a Sum of Money by way of Capital or Joint Stock, to be applied and used in establishing and carrying on the Undertaking and the Purposes aforesaid, not exceeding in the whole the Sum of Twelve thousand Pounds Sterling, to be subscribed in Shares of Fifty Pounds each.

XII. Pro-

XII. Provided always, and be it further enacted, That the said Company shall not be authorized to exercise any of the Powers granted under this Act, until such Time as the Sum of Six thousand Pounds shall have been subscribed.

6,000l. to be subscribed before the Works are begun.

XIII. And, to the Intent that a sufficient Sum of Money may be provided for answering and paying all Demands upon the said Company of Proprietors, and to furnish the said Company with Money for its necessary and lawful Occasions; it is hereby further enacted, that the said Company shall be obliged to raise among themselves the full Sum of Twelve thousand Pounds within the Period of Five Years from the passing of this Act.

Joint Stock to be raised within Five Years.

XIV. And be it further enacted, That all and every Person or Persons by or for whom any Subscription shall be made or accepted, or any Payment made pursuant to the Orders of any General Meeting or Meetings to be held by the said Company for that Purpose, for or towards the raising the said Capital Sum of Twelve thousand Pounds as aforesaid, his, her, or their Executors, Administrators, 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 to which he, she, or they shall have so contributed towards making up the same, and to a proportional Share of the Profits and Advantages attending the Capital Stock of the said Company, and shall be admitted to be a Member or Members of the same.

Subscribers to share in the Stock in proportion to their Subscriptions.

XV. Provided always, and be it further enacted, That the several Persons composing the said Company shall respectively stand responsible and answerable for all just Debts and Demands of the Creditors of the said Company to the full Amount of their several and respective Shares in the Capital of the said Joint Stock, but shall not be any further or otherwise liable, either personally or in their several and respective Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, for any Undertakings, Engagements, Contracts, or Agreements, entered into by the said Company, or be subject or liable by reason of his or their being a Member or Members of the said Company, or of any the Acts of the said Company, to the Statutes respecting Bankrupts, or any of them.

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

XVI. And be it further enacted, That the said Sum of Twelve thousand Pounds shall be divided into Shares of Fifty Pounds Sterling each, and that no Person or Persons shall be a Subscriber or Subscribers for a less Sum than Fifty Pounds Sterling; and that 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 as such Personal Estate shall be transmissible accordingly.

Stock to be divided into Shares of 50l. each, and be Personal Estate.

XVII. And to the Intent that all Matters and Things touching the Concerns of the said Company may be managed and conducted in the most beneficial Manner; be it further enacted, That all and every Person or Persons

Proprietors to vote according to the Number

of their
Shares.

Persons who shall have subscribed for, or become entitled to, and be in the actual Possession of, One or more Share or Shares in the said Undertaking, shall have a Vote or Votes in respect of such Share or Shares in the General and Special Meetings of the said Company, to be held for carrying on the said Undertaking, or for any Purposes relative thereto, in Proportion to the Number of Shares following; (that is to say) for One Share and less than Three, One Vote; for Three Shares and less than Five Shares, Two Votes; for Five Shares and upwards, Three Votes: Provided, That no Person shall be entitled to give any Vote at such Meeting or Meetings, unless such Person shall be possessed of One Share at least in the said Undertaking, and shall have held such Share for Three Calendar Months preceding such Meeting.

If Two or
more Persons
be Joint Pro-
prietors, the
first named
shall vote.

XVIII. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to Two or more Shares in the said Undertaking, and in the Profits and Advantages thereof, such Persons 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 Shares; and that no Person or Persons shall 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 or Persons shall be anyways interested, other than as a Subscriber or Subscribers, Proprietor or Proprietors, to or of the said Undertaking.

Proceedings
to be entered
in Books.

XIX. And be it further enacted, That all Orders and Proceedings of the said Company of Proprietors and of the Committee of Management, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered and signed by the Clerk or Clerks of the said Company of Proprietors or 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 Places whatsoever.

Committee of
Management
to be ap-
pointed.

XX. And be it further enacted, That there shall be from Time to Time elected from the Members of the said Company Five Persons (to be appointed as after mentioned) who have subscribed for, or been possessed of, not less than Three Shares in the said Undertaking, for a longer Space of Time than Three Calendar Months, who shall and are hereby declared to be the Committee of Management for managing the Affairs of the said Company; but no Person, who shall be a Member of the said Committee, shall be a Dealer, either directly or indirectly, in any One of the Articles to be provided or manufactured by the said Company.

First Meet-
ing.

XXI. And be it further enacted, That the said Company of Proprietors, or any Five or more of them, shall meet together at the Guildhall of the said City of *Exeter*, within Thirty Days next after the passing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, 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 such Meeting to the

the same Place or such other convenient Place in the City of *Exeter* aforesaid as the said Company of Proprietors, or any Three or more of them, shall think proper; and if it shall happen that there shall not appear at any One Meeting a sufficient Number of Proprietors to act or to adjourn (Three Proprietors being hereby declared sufficient for the Purposes of Adjournment only), then, and so often as the Case shall happen, such Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, and at the same Time and Place, or until another Day shall be appointed by the said Company of Proprietors or Three or more of them.

XXII. And be it further enacted, That the said Company of Proprietors or any Five or more of them, present at such Meeting or Meetings as last aforesaid, shall and may proceed to elect Five Persons, qualified as last aforesaid, to form and become such Committee of Management as aforesaid, by a Majority of Votes of the Proprietors present, who have subscribed for and been possessed of Three or more Shares in the said Undertaking for a longer Space of Time than Three Calendar Months, according to their respective Number of Votes, such Votes to be taken by Ballot; and in case such Votes shall be equal, then the Chairman for the Time being shall have a casting Vote; and that the said Company of Proprietors or any Five or more of them present as aforesaid, shall and may appoint One or more Treasurer or Treasurers, Clerk or Clerks, or such other Officers and Persons for the Execution of this Act as they the said Company of Proprietors shall think proper; and shall and are hereby required to take Security from such Treasurer or Treasurers, Officer or Officers, or other Person for the faithful Execution of their respective Duties.

Appointment
of Committee
of Management,
Officers, &c.

XXIII. And be it further enacted, That from and after the First Meeting of the said Company of Proprietors, there shall be held in each Year Two General Meetings of the said Company; (that is to say) on the Twenty-fourth Day of *June* and the Twenty-sixth Day of *December*, or within Fourteen Days next after such Days respectively; of which several Meetings Fourteen Days Notice at the least shall be given by Advertisement in One or more of the public Newspapers published in the said City and County of the City of *Exeter*; and the First General Meeting to be held by virtue of this Act, shall be holden on such of the said Days as shall first happen next after the First Meeting of Proprietors; and that all such Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and that the Subscribers and Proprietors at such General Meeting, or at any other Special Meetings to be called for that Purpose, of which Fourteen Days Notice shall be given in manner aforesaid, specifying the Purpose for which such Special Meeting is called, shall have Power to elect other Persons qualified as last aforesaid, to be Members of the Committee of Management, and to serve in the Place of such Person or Persons whose Office shall have respectively become vacant by Death, Amotion, Resignation, or want of Qualification or otherwise; and that no Member or Members of the said Company, to be chosen one of the Committee of Management of the said Company, shall be capable of being so chosen or of continuing in such Office as aforesaid, unless the said Number of Three Shares be entered and continue in the

Two General
Meetings to
be held in
each Year.

[*Local.*]

S s

Names

Names of such Person or Persons respectively in the Books of the said Company.

Committee to continue in Office Three Years.

XXIV. And be it further enacted, That the said several Persons therein to be nominated and appointed the Committee of Management as aforesaid, who shall not resign or be removed or become ineligible and unqualified, shall continue in their respective Offices for the Space of Three Years, to be accounted from the Day of Election, and until others shall be duly elected into their Places; and that all succeeding Members of the said Committee shall successively be chosen out of the Members of the said Company, between the Twenty-fourth Day of *May* and the Twenty-fourth Day of *June*.

Vacancies in the Committee how to be filled up.

XXV. Provided always, and be it further enacted, That any Vacancy or Vacancies in the said Committee by Death, Resignation, Removal, or becoming ineligible or unqualified as aforesaid, may and shall be filled up at any Special Meeting or Meetings to be called for that Purpose in Manner aforesaid; and that the Person or Persons so to be chosen to fill such Vacancy or Vacancies, shall continue in his or their several and respective Office or Offices, as long as the Person in whose Place or Stead he was elected, would have continued in Office.

Special Meetings of the Proprietors may be convened.

XXVI. And be it further enacted, That if at any Time it shall appear to the said Committee of Management for the Time being, at any Meeting, or to any Ten or more of the said Company of Proprietors, who shall together be Holders of Thirty Shares at the least, to be necessary or expedient to call a Special Meeting of the Proprietors at large, for the Purpose of taking their Opinion and Determination upon any Matter or Thing relating to the said Company; then and in every such Case it shall be lawful for such Committee of Management of their own Authority, or at the Requisition in Writing to be signed by such Ten or more other Proprietors, being Holders of at least Thirty Shares, and which Requisition shall specify the Object of such Meeting; and in case the Committee of Management for the Time being shall refuse or neglect for the Space of Fourteen Days to comply with such Requisition, then and in such Case it shall be lawful for the Proprietors who shall have signed the same, to call a Special Meeting of the Proprietors at large, by Advertisement in One or more of the Newspapers published in the City or County of the City of *Exeter*, specifying the Place where and the Time when such Meeting is to be held, the Time not being less than Twenty-one Days after such Notice, and the Place somewhere in the said City of *Exeter*; and likewise specifying in such Notice, the Reason for and Intention of calling such Special Meeting; and the Proprietors are hereby authorized to meet pursuant to such Notice, and take into Consideration the Matter or Matters to be submitted to them by the Persons calling such Special Meeting, and specified in such Notice; and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a right to give respecting such Matter or Matters, shall be as valid to all Intents and Purposes as if the same had been made at any General Meeting of the said Company of Proprietors.

XXVII. And

XXVII. And be it further enacted, That all Questions, Matters, and Meetings of Things which shall be proposed, discussed, or considered by the said Committee of Management, shall be decided and determined by the Majority in Number of them then present, and in case of an equal Division the Chairman for the Time being shall have the casting Vote; and that if on the Day appointed for any Meeting of the said Committee Three in Number shall not attend, that then and in every such Case the Meeting shall be adjourned to the next Day by the Members or Member then present; or if none be present, by the Clerk to the said Company, or such other Person as shall attend in his Place.

XXVIII. And be it further enacted, That the 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, and to direct the Affairs and Business of the said Undertaking as well in issuing, receiving, and laying out and 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 entering into Contracts for the lighting of any such Parishes, Places, Streets, Market Houses or Buildings aforesaid; and in ordering, directing, and employing the Works and Workmen; and in selling and disposing of all Articles produced from Coal as aforesaid; and in placing and displacing Officers, Clerks, Agents and Servants, and making all Contracts or Bargains touching or in anywise concerning the same; subject to such Orders, Bye Laws, Rules, and Regulations as shall at any Time be duly made by the said Company, in Restraint, Controul, or Regulation of the Powers and Authorities by this Act granted.

XXIX. And be it further enacted, That the Treasurer or Treasurers, or other Officer or Officers 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 of the said Committee of Management for the Time being, and Two Members at the least of the said Committee present at some Meeting of the said Committee of Management; and that on the Twenty-fourth Day of *June* and the Twenty-sixth Day of *December* in every Year, or within Fourteen Days of the same respectively, a Half Yearly Dividend or Dividends shall be made by the Committee of Management for the Time being aforesaid out of the Interest, Profits or Advantages of the said Undertaking, at a Meeting or Meetings of the said Company to be held at such several Times as last aforesaid respectively, unless the Proprietors of the said Undertaking shall at such Meeting or Meetings declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much for every One hundred Pounds upon all and every Sum and Sums of Money paid to the said Company by such Proprietors, their Executors Administrators, Successors and Assigns, as the said Company shall think fit at such Meeting or Meetings to appoint and determine: Provided, that no Dividend

the Com-
mittee, and
Regulations
for their
Proceedings.

Power of
Committee,
&c.

Treasurer
not to issue
Money with-
out an Order
from the
Committee
of Manage-
ment.
Dividends to
be made
Half-yearly.

Dividend shall be declared, made or paid for Twelve Months after the passing of this Act: Provided always, that no Dividend shall be made whereby the Capital of such Company shall be in any Degree reduced or impaired.

Calls to be
made on
Subscribers.

XXX. And be it further enacted, That at every General Meeting of the said Company the Committee of Management for the Time being (in consequence of any Resolution that shall have been first passed for such Purpose at any Meeting of such Committee of Management for the Time being to have been on that Account held) shall have full Power and Authority to make such Call or Calls for Money from the several Proprietors of the said Undertaking, their Executors, Administrators, Successors, and Assigns, as the said Committee of Management shall from Time to Time find wanting and necessary for the Purposes of the said Undertaking, so that no such Call do exceed the Sum of Twenty Pounds for or in respect of any One Share of Fifty Pounds; and so that no Call or Calls be made but at the Distance of Three Calendar Months at least from each other, and that the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer to the said Company for the Time being, to be issued and applied by virtue of an Order or Orders given to him for that Purpose, and that such Order or Orders shall be signed by the Chairman of the said Committee of Management for the Time being, and Three of the Members of the said Committee, at least, present at some Meeting of the said Committee duly held; and that the said several Sums of Money so called for shall be paid at such Time and Place as shall be appointed by such General Meeting of the said Company, of which Time and Place One Calendar Month's Notice at least shall be given in One or more of the said Newspapers published in *Exeter*, or in such other Manner as the said Committee of Management shall at any Meeting direct and appoint in that Behalf; and that if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money so to be called for during the Space of Three Calendar Months next after the Time appointed for Payment thereof, then in such Case, such Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part and Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her or them, on account thereof, to and for the Use and Benefit of the rest of the said Company; and that all Shares which shall or may be so forfeited shall or may be sold at a Public Sale for the most Money that can be gotten for the same, and the Produce thereof shall go to and make Part of the Capital or Joint Stock of the said Company; but that no Advantage shall be taken of such Forfeiture of any Share in the said Undertaking as aforesaid, until after Twenty-one Days Notice shall be given by the Treasurer or Clerk to the said Company to the Owner or Owners thereof, or Notice in Writing left at his, her or their usual or last Place of Abode; nor unless the same shall be declared to be forfeited at the First Meeting of the said Proprietors, which shall be held not earlier than Two Months next after the said Forfeiture shall happen; and that every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor and Proprietors, or their Executors, Administrators, Successors,

In default of
Payment of
Calls, Shares
to be for-
feited;

but Notice
first to be
given.

cessors and Assigns, so forfeiting, against all Actions, Suits and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors, his, her or their Executors, Administrators, Successors and Assigns, and the said Company, with regard to the future carrying on and Management of the said Undertaking.

XXXI. 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 or her of the full Sum to be called for or in respect thereof as aforesaid, without having made any sufficient Provision as aforesaid, by Will or otherwise, how such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be answered, that then and in such Case the Executors or Administrators of such Proprietor, and the Trustee or Trustees, Guardian or Guardians of any Infant or other Person entitled to the Estate and Effects of such Proprietor or Proprietors, shall be indemnified against such Infant, and all other Persons whomsoever, for paying any Money which shall be called for as aforesaid in respect of the Share or Shares of such deceased Proprietor.

Executors,
&c. indem-
nified in
paying Calls.

XXXII. And, in order that where the original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become Insolvent or Bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk to the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to know who is the Owner or Proprietor of such Share or Shares; in order to give him, her or them, their Executors, Administrators, Successors and Assigns, Notice or Notices of Calls to be made on such Share or Shares, and to maintain any Action or Actions against him, her or them, their Executors, Administrators, Successors and Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, her or them, their Executors, Administrators, Successors and Assigns, the Interest or Dividends to which he, she or they may be entitled by virtue thereof; be it therefore further enacted, That in all the Cases aforesaid, where the Right and Property in one or more 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 or Conveyance thereof in the Form and Manner herein specified, an Affidavit shall be made and sworn to by Two credible Persons 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, their Executors, Administrators, Successors and Assigns; and that such Affidavit shall be transmitted to the Clerk of the said Company, to the Intent that he may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors to the said Undertaking, to be kept in the Office of the Clerk to the said Company; and that in all or any of the said Cases, it shall be lawful for the Subscribers and Proprietors, at any General Meeting, after Three Calendar Months Notice shall have been given by the said Treasurer or

For ascer-
taining the
Proprietor-
ship of
Shares in
certain Cases.

[Local.]

T t

Clerk

Clerk to the Owners or Persons claiming by such Affidavit, to be Owner or Owners thereof; and that such Person or Persons, their Executors, Administrators, Successors and Assigns, shall not have paid his, her or their Proportion of the Money becoming payable by virtue of any Call or Calls; and after Notice thereof shall have been given Three Times at the Intervals of Ten Days at least between each Advertisement, in some One Newspaper circulated in the said City and County of the City of *Exeter*, to declare at any General Meeting the same Share or Shares to be forfeited; and that in such Case the same shall be and become forfeited, and be sold and disposed of in such Manner as the said Subscribers and Proprietors at any Meeting or Meetings shall direct, or otherwise become consolidated in the General Fund of the said Company.

Shares may
be trans-
ferred.

XXXIII. And be it further enacted, That it shall be lawful for the several 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 and to the Effect following; (that is to say),

Form of
Shares.

‘ I of
‘ in consideration of paid to
‘ me by of do
‘ hereby bargain, sell and transfer to the said
‘ the Sum of Capital Stock of and in the
‘ Undertaking called *The Exeter Gas Light and Coke Company*, being
‘ of my Share No. in the said
‘ Undertaking; to hold to the said Executors,
‘ Administrators and Assigns, subject to the same Rules, Orders and Re-
‘ strictions, and on the same Conditions that I held the same immediately
‘ before the Execution hereof; and I the said do
‘ hereby agree to take and accept the said Share,
‘ subject to the same Rules, Orders, Restrictions and Conditions. As
‘ witness our Hands and Seals this Day of
‘ in the Year of our Lord .’

Transfers to
be registered.

And that every such Transfer shall be registered in the Books of the said Company; and a Copy of such Register, signed by the Clerk or other Officer of the said Company duly authorized thereto shall be sufficient Evidence of every such Sale and Transfer, and received as such in all Disputes, and in all Trials, before any Court in the United Kingdom; and that until such Transfer shall be registered in the Books of the said Company as aforesaid, no Purchaser or Purchasers of any Share or Shares, their Executors, Administrators, Successors and Assigns, shall have any Part or Share in the said Undertaking, or in the Profits and Advantages thereof, nor shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, nor be entitled to vote at any Meeting or Meetings as Proprietor or Proprietors of the said Undertaking.

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

XXXIV. Provided always, and be it further enacted, That after any Call for Money shall be 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

in the said Undertaking after the Day appointed for the Payment of the said Call, until the Money so called for or in respect of his, her or their 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; and all and every Person or Persons making Default herein shall be subject and liable to forfeit such his, her or their Share or Shares in the said Undertaking, to and for the general Benefit of the said Undertaking, unless he, she or they shall at the Time of such Sale or Transfer pay to the Treasurer of the said Company the full Sum of Money called for upon every Share so to be sold or transferred; such Forfeiture nevertheless to be first notified and declared in Manner directed by this Act with respect to the Forfeiture of Shares for not answering the Calls to be made thereon as aforeaid.

XXXV. And be it further enacted, That from and after the passing of this Act, every Owner or Proprietor of any Share or Shares in the said Undertaking shall be qualified and entitled to vote for himself or herself who has possessed his or her Share or Shares, and whose Name has been entered in the Books of the said Company as the Possessor or Proprietor of such Share or Shares for the Space of Three Calendar Months then next preceding, at any General or Special Meeting of the said Company, according to the Rates contained and directed in this Act; any Thing herein contained to the contrary thereof in anywise notwithstanding: Provided always, that no Person shall be entitled to vote at any General or Special Meeting of the said Company in respect of any Share or Shares which he or she may possess in the said Undertaking, unless such Person shall have fully paid and satisfied all Arrears of Money which shall or may have become due in pursuance of any Call or Calls made or to be made by the said Committee of Management for or in respect of such Share or Shares.

Proprietors
to vote who
have had
their Shares
Three Calen-
dar Months.

XXXVI. And be it further enacted, That the said Company shall not borrow or take up by way of Loan any Sum or Sums of Money whatsoever, other than by a Subscription for Shares, in Manner and to the Extent herein-before directed.

Company not
to borrow
Money.

XXXVII. And be it further enacted, That the said Company or their Committee of Management shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of the Shares, 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 their Clerk, and after such Entry to cause the same to be signed by their Chairman; and they shall also cause a Certificate so signed by the Chairman and Clerk, to be delivered to every Proprietor upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, and such Certificate shall be admitted in all Courts whatsoever, as Evidence of the Title of such Proprietor, his or her Executors, Administrators and Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

Names of
Proprietors
to be entered,
and Certifi-
cate of their
Shares de-
livered to
them.

XXXVIII. And

Power in
certain Cases
to break up
the Soil and
Pavement of
the Streets,
&c. for laying
Pipes, &c.

XXXVIII. And whereas the same Inflammable Air or Gas cannot be used for lighting the Public Streets, Ways, or Passages as aforesaid, unless the said Air or Gas be conveyed by means of Pipes to be properly laid for that Purpose; be it further enacted, That if at any Time after the passing of this Act, the Commissioners under the said Act, or any Five of them, shall think it fit and convenient to contract with the said Company, or with any other Person or Persons whomsoever, to light the Public Streets, Highways, Lanes, Passages or Places, or any Part of them in the City or County aforesaid, by Means of such Gas as aforesaid; that then and in all such Cases, it shall be lawful for the said Company, and their Successors, and for such other Person or Persons as aforesaid, and they are hereby fully authorized and empowered, with the Approbation and under the Direction of such Commissioners, or any Five of them, and under the Inspection of their Surveyor, to break up the Soil and Pavement of any such Streets, Ways, Lanes, Passages and Places, and dig and sink Trenches, and lay Pipes and put Stop Cocks or Plugs, or Branches from such Pipes in 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 with such Approbation, and under such Direction and Inspection as aforesaid, to alter the Position of, and to repair, relay, and maintain, such Pipes, Stop Cocks and Plugs, and to do all such other Acts, Matters, and Things, as the said Company and their Successors, or such other Person or Persons as aforesaid, shall, with such Approbation and under such Direction and Inspection as aforesaid, from Time to Time think necessary and convenient for completing, amending, repairing, improving, and using the same.

Power to
make a
Sewer for
carrying off
the Washings
and other
Liquids.

XXXIX. And be it further enacted, That it shall be lawful for the said Company, with such Consent and under such Direction and Inspection as aforesaid, and in such Line as the said Commissioners shall direct, to make such Sewers or Cuts of such Breadth, Depth, and Dimensions, and in such Manner as they shall think expedient, under the Streets, Ways, Lanes, Avenues, and Places within the said City and County, for the Purpose of carrying off the Washings or 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 or Cuts, and immediately repairing at their own Expence all such Damages.

Powers of
the Com-
pany in
lighting
Houses.

XL. And be it further enacted, That the said Company of Proprietors shall have full Power and Authority, under the Inspection of the Surveyor to the said Commissioners, to break up the Soil and Pavement of any of the said Streets, Ways, Passages and Places, and to lay any Mains or Pipes communicating with the Works of the said Company under and along any Streets, Highways, Lanes, Passages or Places, or any Part of them, within the said City and County, or the Suburbs, Liberties, or Precincts aforesaid, for the Purpose of lighting any Houses, Manufactories, or Buildings whatever from any of such Mains or Pipes, although no Contract may have been entered into with the said Commissioners for lighting any public Street, Highway, Lane or Passage, in the Parish or Place
I where

where such Houses, Manufactories or Buildings shall lie or be situated, any Thing in this Act to the contrary thereof in anywise notwithstanding.

XLI. Provided always, and be it further enacted, That the Workmen employed in laying or repairing any such Pipes, Plugs, Cocks or Branches, shall fill in the Trenches and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and shall repair any Damage arising from any Sewers or Cuts which may be made for carrying off the Washings or Waste Liquids aforesaid, without the least Delay; and shall in the mean Time guard the Place or Places where any Ground shall be opened in such Manner as to prevent Accidents to Passengers, Cattle and Carriages, and as the said Commissioners or their Successors shall from Time to Time direct: Provided always, that if there shall be any Delay in the said Company of Proprietors or in 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, or making good any such Pavements or Roads, then and in every such Case it shall and may be lawful to and for the said Commissioners, or their Surveyor, or any other Person or Persons acting by and under the Authority of the said Commissioners, to fill in such Ground and remove such Rubbish, and to repair and make good the Pavement of any Street, Way, Lane, Passage, or Place so broken up, and that the reasonable Costs and Charges thereof shall be paid by the said Company of Proprietors or their Treasurer; and that in Default of Payment thereof for Ten Days next after Demand shall be made by such Surveyor, or other Person acting by or under the Authority of the said Commissioners, Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the said City, all such reasonable Costs and Charges, 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 of Proprietors, or such other Person or Persons, 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; and such Costs, Charges, and Penalty shall be paid to the said Commissioners or their Treasurer.

XLII. And be it further enacted, That if for the Purposes of the said Act herein-before mentioned, it shall at any Time or Times be deemed necessary or expedient by the Commissioners for paving the said City, to require the said Company of Proprietors to raise, sink, or otherwise alter the Situation of any of the Pipes, Stop Cocks, Plugs or Branches, which shall be laid down for the Purposes aforesaid, the said Company of Proprietors shall at their own Expence, within Two Calendar Months next after being required so to do, by Notice in Writing to them given by the said Commissioners, signed by their Clerk, raise, sink, or alter such Pipes, Stop Cocks, Plugs or Branches, according to such Notice, in such Manner and in such Place or Places as the said Commissioners shall think right and proper; and in Default thereof, it shall and may be law-

[Local.]

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ful

Workmen in
laying Pipes
to make good
the Pavement.

Power to
raise, sink or
alter Pipes,
&c.

ful to and for the said Commissioners or their Surveyor, or any other Person or Persons acting by their Order or under their Authority, to cause such Pipes, Cocks, Plugs or Branches, to be raised, sunk or altered, and that the reasonable Costs and Charges for doing the same shall immediately thereafter be paid by the said Company of Proprietors or their Treasurer: Provided nevertheless, that if such reasonable Costs and Charges be not paid within One Month next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Commissioners, Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace of the said City or County of the said City, 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 of Proprietors, 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; and such Costs and Charges shall be paid to the said Commissioners or their Treasurer.

Damage to
be made good.

XLIII. Provided always, and be it further enacted, That if by the raising, sinking, or altering any of the said Pipes, Cocks, Plugs or Branches, any Damage or Injury shall be wilfully or negligently done to the same by the said Commissioners or their Servants, then and in every such case such Damage or Injury shall be made good as soon as Circumstances permit, and the Costs, Charges, and Expences thereof shall be paid by the said Commissioners.

Pavement
within the
Close of
St. Peters,
not to be
broken with-
out Consent
of the Dean,
&c.

XLIV. Provided also, and be it further enacted, That nothing in this Act contained shall give any Power or Authority to the said Company to break up any Soil or Pavement within the Close of the Cathedral Church of *Saint Peter* in *Exeter*; except with the Approbation and under the Direction of the Dean and Chapter of the said Cathedral Church or their Successors.

Nor within
the public
Streets or
Markets,
without Con-
sent of the
Mayor, &c.

XLV. Provided likewise, and be it further enacted, That nothing in this Act contained shall give any Power or Authority to the said Company to break up any Soil or Pavement, within any Part of the public Streets or Markets, repaired under the Direction and Management of the Mayor, Bailiffs and Commonalty, within the said City and County of the City of *Exeter*, except with the Approbation and under the Direction of the said Mayor, Bailiffs and Commonalty, or their Successors.

If Contracts
be not duly
performed,
they may be
voided on
giving Notice
&c.

XLVI. And be it further enacted, That if the said Company shall contract with any such Commissioners as aforesaid, for lighting any Parish or Place, or Part of any Parish or Place, and shall not duly perform such Contract, then and in such Case it shall be lawful for such Commissioners to determine such Contract, giving Six Calendar Months Notice thereof; and then and in such Case, and also at the Expiration of any such Contract, it shall be lawful for the said Commissioners, either to purchase the Pipes, Cocks, Plugs, Branches of Pipes, and other Materials belonging to the said Company, and employed in lighting such Parish or Place,
at

at such a Price as shall be agreed upon between the said Commissioners and the said Company; or in case the said Commissioners shall decline so to purchase, then it shall be lawful for the said Company of Proprietors to remove such Pipes, Cocks, Plugs, Branches, and other Materials at the Expiration of such Contract or Determination thereof, by such Notice, and in the mean Time, for such Commissioners to lay such Pipes, Cocks, Plugs, Branches and other Articles, as shall be necessary for the Supply of such Parish or Place, or Part of a Parish or Place, at the Expiration or sooner Determination of such Contract.

XLVII. Provided also, and be it further enacted, That no Person shall lay or cause to be laid, any Iron, Leaden, or other Pipe to communicate with any Pipe belonging to the said Company, or such other Person or Persons as aforesaid, without the Consent of the said Company under their Common Seal, or the Person or Persons supplying Lights by such Pipes first had and obtained, on pain of forfeiting the Sum of Fifty Pounds and also the further Sum of Forty Shillings a Day for every Day such Pipe shall so remain, 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 Justice or Justices of the Peace for the said City, and which Warrant such Justice or Justices is and are hereby empowered 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 cannot 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 Common Gaol of the said City, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Two Calendar Months, unless such Forfeiture and all reasonable Charges shall be sooner paid and satisfied.

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

XLVIII. And be it further enacted, That if any Person shall wilfully and maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Post, Plug, or other Matter or Thing belonging to the said Company, any Person so offending in any One of the respective Premises, and being thereof lawfully convicted on the Oath of One credible Witness before One or more Justice or Justices for the said City, shall forfeit and pay to the aforesaid Company, or such other Person or Persons as aforesaid, Double the Amount of the Damage proved upon Oath to be done, at the Discretion of such Justice or Justices, such Penalty together with reasonable Costs to be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any); or such Offender shall and may be committed to the Common Gaol of the said City, there to remain for any Time not exceeding Three Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be committed.

Penalty for damaging Pipes, &c.

XLIX. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any of their General 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,

General Meeting may make Bye Laws.

Undertaking, and for regulating the Proceedings of the said Committee of Management, and for the regulating 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 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 Meeting, shall seem meet and 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 printed, and be binding upon all 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 shall be fixed and continued in the Guildhall of the said City; and all such Rules, Orders, and Bye Laws shall be subject to Appeal in Manner by this Act directed.

Appeal may
be made to
Quarter Ses-
sions.

L. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any other Person or Persons whatsoever, thinking himself, herself or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Six Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at the General Quarter Sessions to be held in and for the City and County or Place where the Cause of Appeal shall arise, and not elsewhere, the Person or Persons appealing having first given at least Ten clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the principal Law Clerk of the said Company; and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such City, County or Place, with sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such City and County or Place; and, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination; and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding and conclusive upon all Parties, to all Intents and Purposes whatsoever.

LI. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe or advance any Money for and towards carrying on the Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Portions thereof as shall from Time to Time be called for by the said Committee of Management, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Committee in Manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

To compel
Payment of
Subscrip-
tions.

LII. Provided always, and be it further enacted, That nothing in this Act contained shall have the Effect of depriving the Commissioners for paving the said City, or their Successors, or any Person or Persons, of any Right which they or any of them at present possess, or of interfering with any Right which they or any of them may hereafter acquire of lighting Streets or Houses with Gas Lights, or in any other Manner: Provided also, that nothing in this Act contained shall extend or be construed to defeat, abridge, alter, obstruct, or in any Manner interfere with the Powers and Authorities of the Commissioners for lighting or paving the said City and County of the City of *Exeter*, or any Body Corporate or Politic, Sole or Aggregate, or established for the Supply of Water in or for any of such Parishes or Places, or any Part or Parts thereof, or the Rights of any Person or Persons to make, enlarge, repair or amend any Vault under any Street within such Parishes or Places: Provided also, that nothing herein contained shall extend or be construed to prevent any Person or Persons from proceeding 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 Light as aforesaid, as a publick or private Nuisance; or from bringing any Actions 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 the Carelessness or want of Skill of the Persons employed therein.

Rights of
Persons to
light Streets,
&c: not to
be affected.

LIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to the Mayor, Bailiffs and Commonalty of the City and County of the City of *Exeter*, and their Successors, and to the Venerable the Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter*, and their Successors, and to the Commissioners for paving the said City, and their Successors, and to the Commissioners in pursuance of an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act for repairing and improving the Roads leading to and from the City of Exeter, and for keeping in repair Exe Bridge and Countess Wear Bridge*, all their respective Rights, Privileges and Franchises, in such and the same Manner as if this Act had not been passed.

General
Saving of all
other Rights.

[Local.]

X x

LIV. And

Public Act.

LIV. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1816.