



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. lxxvii.

An Act for lighting the City and Suburbs of *Edinburgh*
and Places adjacent with Gas. [23d May 1818.]

WHEREAS the City and Suburbs of *Edinburgh*, and Places adjacent, are large and populous, and it would be of great Benefit to the Citizens and Inhabitants thereof, and to the Public at large, if the Streets, Squares, Public Passages and Places, and Houses, Shops, and Manufactories, 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, and other Places within the said City and Suburbs of *Edinburgh*, and Places adjacent, and for lighting Private Houses, Shops, Counting Houses, Warehouses, and Public Works and Manufactories, and other Buildings; 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 Purposes aforesaid ; but the same cannot be carried fully and completely into Execution without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Lord *Gray*, the Right Honourable *William Dundas*, the Right Honourable *Kincaid Mackenzie*, Lord Provost of the City of *Edinburgh*, Sir *George Mackenzie* Proprietors.
[Local.] 17 O Baronet

Baronet of *Coul*, Sir *John Marjoribanks* Baronet of *Lees*, Sir *Patrick Walker* Knight, *William Arbuthnot* Esquire, late Lord Provost of the City of *Edinburgh*, *Alexander Gordon* Esquire, *King's Street*, *Alexander Henderson* Esquire, Lord Dean of Guild, *William Inglis* Esquire, Writer to the Signet, *William Trotter* Esquire, *Prince's Street*, *John Young* Esquire, *George's Street*, *John Manderson* Esquire, *Rose Street*, *James Pillans* Esquire, *George Street*, *James Denholm* Esquire, *Milne's Square*, *Adam Anderson* Esquire, *South Bridge Street*, *Paul Baxter* Esquire, *North Bridge Street*, *Henry Jardine* Esquire, Deputy King's Remembrancer in the Court of Exchequer in *Scotland*, *Robert Dundas* Esquire, one of the Principal Clerks of Session, *James Simpson* Esquire, Advocate, *Robert Johnstone* Esquire, *North Bridge Street*, *Alexander Monro* Esquire, *Prince's Street*, *John Leslie* Esquire, Professor of Mathematics, *Thomas Brown* Esquire, Doctor of Medicine, Professor of Moral Philosophy, and *Robert Downie* Esquire, of *Appin*, and all and every such other Person or Persons, and such Bodies Politic and Corporate or Collegiate, as have already become Subscribers, or from Time to Time shall subscribe, and be duly admitted Members into the said 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 *Edinburgh Gas Light Company*;" and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; 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 to sell and dispose of such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and all other Products arising from Coal, and shall have full Power to purchase Lands, Tenements, or Heritages, to them and their Successors or Assigns, for the Use of the said Undertaking, but for no other Use or Purpose.

Incorporated.

Proprietors to raise Money among themselves not exceeding 100,000*l.* for making Gasometers or Reservoirs of Gas, &c.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise a competent Sum of Money for erecting, making, and maintaining Gasometers or Reservoirs of Gas, and all other Works and Conveniences belonging or requisite thereto, as shall be necessary for the Purposes aforesaid, not exceeding in the whole the Sum of One hundred thousand Pounds Sterling; which said Sum of Money shall be laid out and applied for carrying those Purposes into Execution; and that the said Sum of One hundred thousand Pounds, or so much thereof as shall be raised, shall be divided into Shares of Twenty-five Pounds each; and that the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, or Assigns, who have already or shall severally subscribe for One or more Share or Shares, towards completing and maintaining the said Undertaking, and shall be entitled to and receive, after the said requisite Works and Conveniences shall be completed, and after a Sum of not less than One Tenth Part of the free Profits shall be accumulated in manner herein-after mentioned, as a Fund for answering Contingencies, the entire and net Distribution of an equal proportional Part, according to the Money so by them respectively paid, of the Profits and Advantages which shall and may arise and accrue from the Sums of Money to be raised, recovered, or received by the

the said Company of Proprietors, by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in manner herein directed and appointed.

III. Provided always, and be it hereby enacted, That the said Company shall not be authorized to exercise under this Act any of the Powers hereby granted until such Time as the Sum of Seventy thousand Pounds shall have been subscribed towards the Purposes thereof, including any Sums already subscribed.

Powers not to be exercised till 70,000*l.* is raised.

IV. And be it further enacted, That the said Company shall be obliged to raise among themselves the full Sum of One hundred thousand Pounds within the Period of Five Years from the passing of this Act, including any Sums already subscribed.

Company to raise whole Sum in Five Years.

V. 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, as often as it may be necessary, to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments, within the said City of *Edinburgh* or Suburbs, or Places adjacent, with any Body Corporate or Collegiate, Heirs of Entail, 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 or any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their respective Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Females 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, for the Uses and Purposes of this Act: Provided always, that the Land so to be acquired shall not altogether exceed Six Acres in Extent; 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 Statutes whatsoever.

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

VI. 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, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person or Persons whatsoever, though under any legal Disability or Incapacity, who is or are or shall be seized or possessed of or interested in any Lands, Grounds, Tenements, or Heritages which shall be necessary for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company of Proprietors; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, or they, or any of them shall make by virtue of and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances of any Lands, Tenements, or other Heritages to

Bodies Politic, &c. empowered to sell and convey.

to the said Company of Proprietors, shall be made according to the legal Forms and established Practice of the Law of *Scotland*.

Application
of Compen-
sation when
exceeding
200*l*.

VII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the Sum shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, 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, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing 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 Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the Interest or Annual Produce of such Money 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 Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

VIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being be entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, to be paid into either of the said Banks, and to be placed to his, her, or their Accounts as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the

the said Committee of Management, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in Manner herein-before directed, so far as the Case may be applicable.

IX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than 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 Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee of Management, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20*l*.

X. 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 *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, under the Direction and by the Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, 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 Heritages, or to some Estate or Interest therein.

In Cases where there is a doubtful Title, Persons in Possession to be deemed entitled.

XI. Provided also, and be it further enacted, That where, by reason of any Disability and Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied to the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Prices and other Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Prices and other Expences as the 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.

Power to convey Gas in Pipes from Gasometers, or Places where it is made, through the City, &c., and to break up the Soil and Pavement of Streets, Roads, &c. for that Purpose.

XII. And whereas the said Inflammable Air or Gas cannot be used for lighting the public Streets, Shops, and other Places as aforesaid, unless the said Air or Gas be conveyed by means of Pipes, to be properly laid for that Purpose, from the Place or Places, and Building or Buildings, and Erections, where the same may be made; be it further enacted, That it shall be lawful for the said Company and their Committee of Management, and they are hereby fully authorized and empowered, to break up any Part of the Causeway of the said Streets; the Side Pavements, and Soil under the said Pavements, Streets, Squares, Ways, Lanes, Passages, and Places, and dig and sink Trenches, and lay Pipes under the said Streets, Side Pavements, Squares, Lanes, Ways, Passages, and Places, and put Stop Cocks or Plugs, Syphons or Water Traps, or Branches from such Pipes, in such Places and in such Manner as shall be necessary for the Purpose of carrying this Act into Execution, or supplying such Light as aforesaid.

All exclusive Privileges declared void.

XIII. Provided always, and be it enacted and declared, That all exclusive Privileges heretofore granted, or hereafter to be granted, to any Person or Persons, Bodies Politic or Corporate, for opening the Streets and Pavements of the said City, and of the Avenues leading to or from the same, for the Purpose of lighting the same with Gas, shall be and the same are hereby declared to be null and void; any Act of Council, Order, or Proceeding to the contrary notwithstanding.

Notice to be given to Superintendent of Police of commencing Operations.

XIV. Provided always, and be it further enacted, That the said Committee of Management shall be obliged, Forty-eight Hours before commencing such Operations, to give Notice in Writing to the Superintendent of Police for the Time being, if the said Pipes are intended to be laid within the Bounds of several Acts made in the Forty-fifth, Fifty-second, Fifty-sixth, and Fifty-seventh Years of the Reign of His present Majesty, herein-after mentioned; and also, to the Superintendent of Works, or such other Person as may be appointed for that Purpose by the Magistrates and Council of the City of *Edinburgh*, for all such Places within the City and Royalty of *Edinburgh*, or to the Convener of the Trustees of the Middle or any other District through which the said Operations shall be carried, for all other Places whatever, and at all Times, and wherever situated, to the Proprietors or Possessors of the Premises where the said Operations are to commence and terminate.

Power to alter, repair, and maintain the Works, &c.

XV. And be it further enacted, That it shall be lawful for the said Company and their Committee of Management, and they are hereby fully authorized and empowered from Time to Time, but always after such Intimations as aforesaid, to alter the Position of, and to relay, repair, and maintain such Pipes, Stop Cocks, Syphons, Water Traps, and Plugs or Branches from such Pipes; and for these Purposes the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered, under the Limitations aforesaid, to enter into and upon all Lands and Grounds, Highways, Roads, Passages, Streets, Pavements, and Places belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate, which the said Company of Proprietors shall think necessary for conveying Gas from the Place or Places, Building or Buildings where the same is made,

to the said City and Suburbs of *Edinburgh*, and Places adjacent, as aforesaid, and to set out such Parts thereof as shall be necessary and proper for laying the said Pipes, and for constructing the Works and other Conveniences aforesaid; and also, after Intimation in Writing as aforesaid, from Time to Time to open, scour, cleanse, repair, maintain, enlarge, contract, and alter such Pipes, Works, and Conveniences, or to make such additional Works and Conveniences as may be necessary for the Purposes aforesaid; to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay Earth, Clay, Stones, Soil, Rubbish, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things which may be dug or got in laying such Pipes, or in constructing such Works and Conveniences, or which may hinder, obstruct, or prevent the making, laying, or constructing the same, or the using, completing, enlarging, and maintaining the same; and to use, exercise, and employ all necessary Ways and Means for conveying and bringing a sufficient Supply of Gas from the said Place or Places, and Building or Buildings, where the same is made, to the said City and Suburbs, and Places adjacent, for the Use of the Inhabitants thereof, for the Purpose of lighting the said Streets, Place or Places, Building or Buildings, and others aforesaid; and from Time to Time to repair, maintain, support, continue, and enlarge the same, according to the Tenor and Effect, and true Intent and Meaning hereof; and from Time to Time to make, construct, erect, repair, and maintain Main-Pipes, Rider-Pipes, Hand-Pipes, Service-Pipes, Branch-Pipes, of Lead and other Metals or Materials, Cocks, Chamber-Cocks, Stop-Cocks, Valves, Air-Plugs, Syphons, Water-Traps, and other Works and Devices, as they shall think proper; and for all or any of the Purposes of this Act to break up and remove the Soil, Posts, Kirbs, Bulk-Heads, Bars, Sewers, and Drains (other than the public or common Sewers of the City), Pavements, and gravelled and other Ways, of any of the present and future Roads, Streets, Squares, Lanes, Passages, Alleys, Public Courts, Footways, Closes, and public Places, after the Intimation aforesaid, in such Manner as they shall judge necessary, for distributing and conveying such Gas to the respective Houses, Offices, Work-Houses, Manufactories, Public Buildings, and other Tenements of the Inhabitants of the said City and Suburbs, and Places adjacent, and for lighting the Streets thereof: Provided always, that in breaking up and removing the aforesaid Soil, Posts, Kirbs, Bulk-Heads, Bars, Sewers, and Drains, Pavements, gravelled and other Ways, it shall not be lawful to the said Company, and their Committee of Management, to break up or remove to a greater Extent than One hundred and fifty Feet in Length thereof at any one Time; and that during the Progress of the Work the Operations shall be duly fenced, and in the Night-time duly lighted and watched, at the Expence of the said Company; and the aforesaid Soil, Posts, Kirbs, Bulk-Heads, Bars, Sewers, and Drains, Pavements, gravelled and other Ways so broken up and removed as aforesaid, or in any way damaged by the said Company, shall in all Cases be laid down, replaced, and amended in good Condition and Repair, at the Expence of the said Company; and from Time to Time, as Occasion may require, and after such Notice as aforesaid, to alter the Position of, and to repair, relay, and maintain such Pipes, Stop-Cocks, Air-Plugs, Syphons, and Machinery, and to do all other Acts, Matters, and Things which may be necessary or proper for completing, amending, repairing, and improving, and for using the
Works

Works authorized by this Act to be done for the Purposes and according to the true Intent and Meaning hereof; and further, that it shall be lawful to, and in the Power of the said Company, or those empowered by them, in the Event of any of the said Pipes or Works of the said Company bursting or giving way, or any other Accident taking place, by which the Gas may escape, immediately, and without any previous Notice, to repair such Injury, and the said Company of Proprietors making Satisfaction, in the Manner herein-after mentioned, to the Owners and Proprietors of, and all Persons interested in the Lands, Tenements, and Heritages respectively which shall be used for the Purposes of this Act, or which shall sustain Injury or Damage by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue hereof; subject, nevertheless, to such Provisions or Restrictions as are herein contained.

Houses already erected not to be injured.

XVI. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by and under their Authority, to take, use, injure, or damage, in the making of the said Reservoirs, laying the said Pipes, or for any of the Purposes aforesaid, any House or other Building erected or built, or to be erected or built, without the Consent of the Owner or Owners thereof.

Liquid not to be conveyed into any running Stream.

XVII. And be it further enacted, That it shall not be lawful for the said Company to carry or convey, or cause to be carried or conveyed, into any fresh Water running Stream, any Washings or Liquids which shall arise or be produced in manufacturing or procuring the said Gas, or in or by the Prosecution of any of the Works aforesaid.

Power to contract for supplying Gas.

45 G. 3. c. 21.

52 G. 3. c. 172.

56 G. 3. c. 74.

57 G. 3. c. 33.

XVIII. And be it further enacted, That the said Company, or their Committee of Management, may and are hereby authorized and empowered to enter into Agreements or Contracts with the Commissioners appointed for executing an Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled *An Act for regulating the Police of the City of Edinburgh, and the adjoining Districts, and for other Purposes relative thereto*; and of an Act passed in the Fifty-second Year of the Reign of His present Majesty, intituled "*An Act for altering and amending an Act of the Forty-fifth Year of His present Majesty, for regulating the Police of the City of Edinburgh, and the adjoining Districts, and for other Purposes relating thereto*"; and of an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, intituled *An Act for amending an Act of the Fifty-second Year of His present Majesty, for regulating the Police of the City of Edinburgh, and the adjoining Districts, and for other Purposes relating thereto*; and of an Act passed in the Fifty-seventh Year of His present Majesty, intituled *An Act for altering and amending an Act of the Fifty-second Year of the Reign of His present Majesty, for regulating the Police of the City of Edinburgh, and the adjoining Districts, and for other Purposes relating thereto*; for regulating the Police of the said City of *Edinburgh* and the adjoining Districts, or with any other Persons having for the Time the Controul, Direction, or Management of the lighting of the said City of *Edinburgh*, and Suburbs and

and Places adjacent, or any of the Liberties or Precincts thereof respectively, or with any Person or 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 the said City and Suburbs, and Places adjacent, or any Part thereof, or any Streets, Squares, Public Market Places, or Manufactories, or Private Houses, or Places of Public Exhibition, Shops, Counting Houses, or Warehouses, or other Places within the said City or Suburbs, or Places adjacent, or Liberties or Precincts aforesaid, for Payment to the said Company of Proprietors yearly, quarterly, or monthly, such Sum or Sums of Money for such Gas as shall be mutually agreed upon between them; and in case of Default in Payment of any such Sum or Sums of Money so agreed to be paid as aforesaid, it shall and may be lawful for the said Company to cause such Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with any Main or other Pipe or Pipes belonging to the said Company, to be separated from the said Pipe or Pipes with which the same shall so communicate, and to cause the Gas to be stopped from issuing or running into the House, Office, Work, or Manufactory of every Person making such Default; and if any Person shall lay, or cause to be laid, any leaden or other Pipe to communicate with any Main Pipe or other Pipe belonging to the said Company of Proprietors, or any Pipe or Pipes communicating therewith, without Consent of the said Company in Writing being obtained, every such Person shall forfeit and pay to the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, the Sum of Ten Shillings Sterling for every Day such Pipe shall so remain.

XIX. Provided always, and be it further enacted, That if any Inhabitant of the said City of *Edinburgh*, or any other Person or Persons whomsoever, supplied with Gas by virtue of this Act, shall supply any other Inhabitant thereof, or any other Person whatsoever, with any Part of such Gas, then in every such Case every Person or Persons so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Pounds Sterling; and it shall be lawful for the said Company of Proprietors to take off the Gas from the House and Premises of any Person so offending, notwithstanding any Contracts or Agreements which may have been previously entered into.

Persons supplied under this Act not to supply other Persons with Gas.

XX. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Company of Proprietors, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing and performing any of the Works, or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors, or to the proper Person or Persons by them authorized in that Behalf, any Sum not exceeding Ten Pounds, and also the full Amount of the Damage which shall be sustained by such Hinderance or Interruption.

Penalty for interrupting Company's Workmen.

XXI. And be it further enacted, That if any Person shall wilfully or maliciously break, throw down, damage, or destroy any Works to be erected and made by virtue of this Act, or destroy, damage, or injure any Engine, Pipe, Plug, or Gas, or other Matter or Thing which shall

Penalty for injuring the Works.

[*Local.*]

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be made, provided, or procured for the Purposes of this Act, or the Materials used or provided for the same, every such Person shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Pounds Sterling, and also the full Amount of the Damage done thereby.

No Person answerable for more than their respective Stock.

XXII. Provided always, and be it enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, or his, her, or their Real or Personal Estate, with any Debt or Demand whatever, due or to become due from the said Company, beyond the Extent of his, her, or their capital Stock, or Share or Shares in the Stock of the said Company; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Shares to be Personal Estate.

XXIII. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Person and Persons of and in the said Works, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, agreeably to the Law of *Scotland*.

Proprietors to have a Vote for every Two Shares, not exceeding Six Votes.

XXIV. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall, by virtue of this Act, have subscribed or undertaken for Two or more Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, present at the stated General Assemblies and Special General Assemblies, to be held as herein appointed, shall for Two Shares have One Vote, for Four Shares Two Votes, for Six Shares Three Votes, for Eight Shares Four Votes, for Ten Shares Five Votes, and for Twelve Shares and upwards Six Votes; and every Question, Matter, and Thing which shall be proposed, discussed, or considered in any stated General Assembly, or any Special General Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes then present, computing the Votes as aforesaid.

Joint Proprietors, or Bodies Corporate, how to vote.

XXV. 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 Proprietors of such Shares; and it shall be lawful to any Body Politic, Corporate, or Collegiate, to give their Vote or Votes by their Treasurer or Secretary, or any One of their Officers specially appointed by them for that Purpose; and that no Subscriber or Subscribers, Proprietor or Proprietors, to or for this Undertaking, shall have a Vote at any Meeting, General or Special, either of the Company or of the Committee of Management, upon any Question or Questions relating to the Concerns of the said Company in which the said Subscriber or Subscribers shall have a separate Personal Interest.

Places of General Assemblies.

XXVI. And be it further enacted, That all the Meetings of the stated General Assemblies, and Special General Assemblies, shall be held in the said

said City of *Edinburgh*; and that at all and every such stated General and Special General Meetings the Parties composing them shall pay their own Expences, the Hire of the Room in which the Meetings shall be held only excepted. Parties to pay their Expences.

XXVII. And be it further enacted, That the First General Assembly or Meeting of the said Company of Proprietors for putting this Act into Execution shall be held at *Edinburgh* as aforesaid, upon the Third *Monday* of *June* after the passing of this Act, at the Hour of Twelve at Noon; and all future General Meetings of the said Company (except such Special General Meetings as herein-after mentioned) shall be held on the Third *Monday* of *June* in every Year thereafter, at the Hour of Twelve at Noon; of all which General Assemblies or Meetings Ten Days previous Notice, at the least, shall be given by Public Advertisement in any Three of the Newspapers usually published in *Edinburgh*, to be named by the Committee of Management. First and other General Assemblies.

XXVIII. And be it further enacted, That if at any Time it shall appear that for the more effectually putting this Act into Execution a Special Meeting of the said Company of Proprietors is necessary to be holden, it shall and may be lawful to and for any Twenty or more of the said Proprietors, who may be collectively possessed of a Fifth Part at least of the Shares of the Capital Stock of the Company for the Time, or any Five of the Committee of Management, upon specifying, in Writing subscribed by them, the Purport thereof, to require the Clerk of the said Company of Proprietors to call such a Meeting; and the said Clerk shall thereupon convene such Meeting, by giving at least Fourteen Days Notice thereof, by Advertisement as aforesaid, specifying in such Notice the Reason and Intention of requesting such Special Meeting, and the Time when and Place where the same shall be holden; and the said Proprietors are hereby authorized to meet pursuant to such Notice; and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors, with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them, met together at such Special Meeting, shall be as valid with respect to the Matters specified in the said Notice as if the same had been done at any Annual General Meeting; and that at all such General and Special General Assemblies of the said Company of Proprietors, the Governor of the said Company, and in his Absence the Deputy Governor, shall preside; and if the Governor or Deputy Governor shall not be present at any such Meetings, then the ordinary Director present, whose Name shall stand first in the List, shall be Chairman of such Meeting; and such Chairman shall not only have, in the first place, a deliberative Voice as a Proprietor, but in case of an Equality of Votes shall have a decisive or casting Vote. Meetings of Proprietors may be specially convened.

XXIX. And be it further enacted, That the Right Honourable *Kincaid Mackenzie*, the present Lord Provost of the City of *Edinburgh*, shall be Governor, Sir *John Marjoribanks* Baronet, of *Lees*, shall be Deputy Governor, and the said *William Arbuthnot* Esquire, *Charlotte Square*, *Alexander Gordon*, *King's Street*, *Alexander Henderson*, Lord Dean of Guild, *William Inglis*, *William Trotter*, *Prince's Street*, *John Young*, *George's Street*, *John Mander*, *Rose Street*, *James Pillans*, *James Denholm*, *Milne's Square*, *Adam Anderson*, Appointment of Governor, Deputy Governor, and Directors, a Committee of Management.

Anderson, South Bridge Street, James Innes, Prince's Street, and Paul Baxter, North Bridge Street, shall be ordinary Directors of the said Company, and shall constitute a Committee of Management of the Concerns of the said Company; and that the Right Honourable Lord Gray, the Right Honourable William Dundas, Sir George Mackenzie Baronet, of Coul, Sir Patrick Walker, Henry Jardine, Robert Dundas, James Simpson, Robert Johnstone, North Bridge Street, Alexander Monro, Prince's Street, John Leslie, Thomas Browne, and Robert Downie of Appin, shall be extraordinary Directors of the said Company, until the General Meeting of the Proprietors of the said Company to be held upon the Third Monday of June One thousand eight hundred and nineteen, when a Governor, Deputy Governor, and Twelve Directors, who shall constitute the Committee of Management, and Twelve extraordinary Directors, shall be chosen for the following Year, and so on, upon the Third Monday of June in every Year thereafter: Provided always, that no Person shall be qualified to be Governor or Deputy Governor of the said Company who shall not be possessed of Twelve Shares in the Stock of the said Company; nor shall any Person be qualified to act as ordinary Director to the said Company who shall not be possessed of Eight Shares in the Stock of the said Company; nor shall any Person be qualified to act as extraordinary Director of the said Company who shall not be possessed of Four Shares in the Stock of the said Company; and in the Event of any of the said Governor, Deputy Governor, Directors, ordinary or extraordinary, disposing of their Stock, so as to be under the respective Qualifications aforesaid, such Persons shall be no longer entitled to act in the official Situations which they hold in the said Company.

Chairman of
the Com-
mittee and
Quorum.

XXX. And be it further enacted, That for the better Management of the Affairs of the said Company it shall and may be lawful for the said Committee of Management for the Time being, and they are hereby authorized and required, from Time to Time, to assemble and meet together at any Place or Places in *Edinburgh* for the Direction and Management of the Affairs of the said Company; and that at all such Meetings of the said Committee of Management the Governor of the said Company shall be Chairman, and in his Absence the Deputy Governor shall preside, and if the Governor and Deputy Governor shall not be present at any such Meetings of the said Committee of Management, then the Director present, whose Name shall stand first in the List, shall be the Chairman of such Meetings; and that any Five or more Members of such Committee of Management, but not less, shall be a sufficient Number or Quorum to constitute a Meeting, for the Purpose of doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities vested in such Committee; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Management at their Meetings, shall be decided and determined by the Majority of Members then present; but no Member shall have more than One Vote at any such Meeting, save and except that, in case of an equal Division, the Chairman, besides his deliberative, shall also have a casting Vote; providing always, that if on the Day appointed for any such Meeting of the Committee of Management, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then and in such Case, and when and so often as the same shall

shall happen, the Meeting shall be adjourned to any future Day, fixed by the Member or Members, or Majority of them, then present; or, if no Member shall be present, by the Clerk to the said Company of Proprietors, or such other Person as shall attend in his Place: Provided always, that it shall and may be lawful for the said Committee of Management to appoint any of their Number, not less than Three, as Sub-Committees for particular Purposes, for the better attending to and transacting the Business of the said Company, and subject to the Approbation of the said Committee of Management, or their Quorum, before specified.

XXXI. And be it further enacted, That it shall and may be lawful for the said Committee of Management, and they are hereby authorized and required from Time to Time to nominate and appoint a Treasurer or Collector, and also a Clerk to the said Company of Proprietors, who shall be a different Person from the Treasurer, and such Engineers, Surveyors, and other Officers, as the said Committee of Management shall think proper and expedient for the better carrying the Purposes of this Act into Execution, the said Committee of Management always taking good and sufficient Security, and to such Extent as they shall think requisite, from such Treasurer, Collector, and other Officer appointed to receive Money, or have the Care or Custody thereof, for the due accounting for all such Monies with which they may be entrusted, and for the faithful Discharge of the Trust reposed in them; and also from Time to Time to discharge and dismiss any such Treasurer, Collector, Clerk, Engineer, Surveyor, and other Officers, and appoint others in their Stead, as the said Committee of Management shall think fit; and that all such Treasurers, Collectors, Clerks, Engineers, Surveyors, and other Officers of the said Company of Proprietors, who shall at any Time quit or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such other Person or Persons as they shall appoint, all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody or Power of such Treasurers, Collectors, Clerks, Engineers, Surveyors, or other Officers, Executors, or Administrators respectively, in anywise relating to the said Undertaking; and the said Committee of Management shall have Power and Authority, and they are hereby required, to balance or cause to be balanced the Books of the said Company at the Term of *Whitsunday* in every Year, the first Balance being made on the Fifteenth Day of *May* One thousand eight hundred and nineteen, or at such other Period of each Year as any General Annual Meeting may from Time to Time appoint; and the same, being so balanced, shall be examined, docqueted, and signed by the major Number or Quorum of the said Committee of Management, and shall be produced at the General Meeting of the said Company of Proprietors to be held upon the Third *Monday* of *June* One thousand eight hundred and nineteen, and every Year thereafter, so that any of the Proprietors, attending the said Meeting, may have an Opportunity of inspecting the same; and the Books of the said Company shall be patent, and open for the Inspection of all the Proprietors for One Calendar Month subsequent to the said Third *Monday* of *June* in each Year as aforesaid.

Committee of Management may appoint Officers;

and take Security from those who are to have Custody of Money;

and balance and settle Accounts every Year on the Fifteenth Day of May.

Contingen-
cies and
Division of
Profits.

XXXII. Provided always, and be it enacted, That such a Sum as the said Committee of Management shall think proper, not being less than One Tenth Part of the yearly free Profits to arise from the said Undertaking, shall be set apart and be accumulated, until the same shall amount to Five thousand Pounds, as a Fund for answering Contingencies; and the said Committee of Management are hereby authorized and empowered, if they shall see Cause, to continue to set apart and augment the said contingent Fund in manner aforesaid, until the same shall amount to any Sum not exceeding Ten thousand Pounds; such Sum or Sums so set apart from Time to Time, and accumulated as aforesaid, shall be lodged or invested in Government Securities, or in the Purchase of the Stock of any of the Chartered Banks in the said City of *Edinburgh*, or lent out at Interest upon real Security, to be approved by the said Committee of Management; and the Dividends or Interest arising from the said accumulated Fund of Five thousand Pounds, or other Sum, if increased in manner aforesaid, as well as the yearly Profits to arise from the said Undertaking, shall be divided among the several Proprietors of the said Company, according to the Share or Shares which they severally hold in the said Undertaking; but if from any Accident which may happen to the said Undertaking, the said Sum or Sums of Money, or any Part thereof so set apart, shall be required for the Purposes aforesaid, no Dividend, to a greater Extent than Five Pounds *per Centum per Annum*, shall be made, of the Profits to arise from the said Undertaking, until the Part thereof which shall have been so expended shall be replaced by a Share of the annual Profits set apart in manner before directed.

Committee
of Manage-
ment may
make Calls
for Money;

XXXIII. And be it further enacted, That the Committee of Management shall have full Power and Authority, from Time to Time, at any of their Meetings as aforesaid, to make such Call or Calls for Money from the several Subscribers to and Proprietors of the said Undertaking, in order to defray the Expences of, or carrying on the same, as they shall, from Time to Time, find necessary for those Purposes, until the Sums subscribed are fully paid; so that no such Call shall exceed at One Time the Sum of Twenty Pounds *per Centum* for or in respect of each Share in the said Undertaking, and so that such Calls be made under the Direction of the Committee of Management, and so that no such Calls be made but at the Distance of One Calendar Month at least from each other, and so that Fourteen Days' Notice at least shall be given of every such Call, by a Circular Letter addressed to each Proprietor; all which Money, so to be called for as aforesaid, shall be paid into the Hands of the Treasurer of the said Company of Proprietors, to be issued, paid, and applied for carrying on the said Undertaking, in such Manner as the said Committee of Management shall from Time to Time order and direct.

and may
contract for
and purchase
Land;

XXXIV. And be it further enacted, That the said Committee of Management, or Quorum aforesaid, shall also have full Power and Authority, on behalf of the said Company of Proprietors, to contract for and purchase all such Lands, Tenements, or Heritages, and again dispose thereof if they see Cause, and all such Materials and other Things as shall or may be wanted for the said Undertaking, and the Works already erected, and which are hereby authorized to be made; and to treat and agree with

all

all and every Person or Persons, Bodies Politic or Corporate or Collegiate, whomsoever, touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given; and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons, in and about or for the carrying on of the said Undertaking and Works, or any Part thereof, as shall be thought expedient, and to enter into and make all such Contracts, Bargains, and Agreements whatever, touching or in anywise concerning the said Undertaking, as they shall think proper, and to order and direct how the several Works shall from Time to Time be carried on; and generally to direct and manage all and singular the Affairs and Business of the said Company of Proprietors, and to do and execute and perform all Acts, Matters, and Things which the said Company are by this Act authorized to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large, at any Meeting or Meetings of such Proprietors to be held as herein mentioned.

and may generally manage the Business of the Company.

XXXV. And be it further enacted, That the Committee of Management shall enter, or cause to be entered into Books, a full and true Account of all Money disbursed, and Payments made, by such Committee, and by all and every Person and Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively for or on account of the said Company of Proprietors; and also a full and true Account, or proper Notes or Minutes of every Contract, Bargain, and Agreement, which shall be entered into by them respectively for or on behalf of the said Company of Proprietors, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever, in and about the Affairs and Business of the said Company; but that no Money shall be issued or paid by the Treasurer to the said Company of Proprietors, for or on account of the said Company, otherwise than in such Manner as shall be directed by the Committee of Management.

Committee to enter their Proceedings;

and Money not to be issued by the Treasurer, otherwise than as directed.

XXXVI. And be it further enacted, That the said Committee of Management shall also have full Power and Authority, from Time to Time, at any such Meeting as aforesaid, to make such Rules, Order, and Bye-Laws, as to them shall seem meet and proper for the good Government of the Affairs of the said Company of Proprietors, and for regulating the Proceedings of the Committee of Management, and of all Officers, Workmen, and Servants to be employed in and about the Affairs or Business of the said Company of Proprietors; and for the well and orderly using of the said intended Undertaking, and the Pipes and Works thereto belonging; and for the orderly Behaviour of all Workmen and other Persons who shall be employed in or about the said Undertaking, and for their Superintendence 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 upon all such Persons employed by the said Company, offending against such Rules, Orders, and Bye-Laws, or any of them, not exceeding the Sum of Five Pounds Sterling for any one Offence, as to the said Committee of Management shall seem meet and expedient; provided that such Rules, Orders, and Bye-Laws be not repugnant to the

Committee of Management may make Bye-Laws.

Laws

Laws of that Part of the United Kingdom called *Scotland*, or any of the express Directions or Provisions of this Act, or to any Contract or Agreement entered into between the said Company and Persons receiving Gas from them; and provided that such Rules, Orders, and Bye-Laws shall be subject to the Review of any General Assembly of the said Proprietors.

Bye-Laws
subject to
Appeal.

XXXVII. Provided always, and be it enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any such Rule, Order, or Bye-Law, may, within Two Calendar Months next after any such Order, Judgment, or Determination shall have been made or given, (first giving Ten Days' Notice to the Person or Persons against whom any Complaint is intended to be made,) complain to the Sheriff Depute or Substitutes for the said County of *Edinburgh*, who shall hear and determine the said Complaint, or, if he or they think proper, may adjourn the Hearing thereof; and the said Sheriff or his Substitutes may, if he or they see Cause, 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 may also order and award such farther Satisfaction to be made to the Party injured as he or they shall judge reasonable; and the Determination of such Sheriff or Substitutes shall be final and conclusive, without being subject to Advocation, Suspension, or Reduction, any Law or Statute to the contrary notwithstanding.

Proprietors
to pay their
Shares of the
Money called
for at the
Place ap-
pointed;

and if First
Call not paid
in Six
Months,
Shares to be
forfeited.

XXXVIII. And be it further enacted, That every Proprietor of any Share or Shares in the said Undertaking, shall, from Time to Time, pay his or her Proportion of the Money so to be called for, as hereinbefore is mentioned, into the Hands of the Treasurer of the said Company, at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such a Call, and of which such Notice shall be given as hereinbefore is directed; and that if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose, in manner aforesaid, it shall be lawful for the said Committee of Management to sue for and recover the same, with Interest, at the Rate of Five Pounds *per Centum per Annum*, from the Time appointed for the Payment thereof, in any competent Court in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, as the Case may be; and in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so first to be called for as aforesaid, for the Space of Six Calendar Months after the Time to be appointed for Payment of said First Call as aforesaid, and the same shall not have been sued for by the Company of Proprietors as aforesaid, or, if sued for, shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof; and all Shares that shall or may be so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the Committee of Management of the said Company of Proprietors, be sold by Public Auction, for the

most

most Money that can be got for the same ; and in the Event that any Person or Persons paying any such First Call as aforesaid shall neglect or refuse to pay his, her, or their proportionable Part or Parts of the Money to be thereafter called for as aforesaid, and for the Space of Six Months after the Time to be appointed for Payment thereof as aforesaid, and the same shall not be sued for by the said Company of Proprietors as aforesaid, or if sued for, shall not be recovered by them ; then and in such Case the Share or Shares shall and may be sold by the said Company of Proprietors, or their Committee of Management, by Public Auction, for the highest or best Price or Prices that can be got for the same, every such Sale being advertised at least once a Week, for Three Weeks successively, in some One or more of the Newspapers published in *Edinburgh*, and the said Company of Proprietors, or Committee of Management, rendering an Account of every such Sale or Sales to every such Person or Persons, when demanded, and paying to every such Person any Overplus of such Price or Prices, after deducting all such Charges, and such further proportionable Sum or Sums of Money which may remain due upon such Share or Shares, by such Person or Persons, to the said Company of Proprietors ; but no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Undertaking as aforesaid, unless the same shall be declared at some General or Special Meeting of the said Company, or Committee of Management, 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 or Proprietors, his, her, or their Executors, Administrators, Successors, 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.

XXXIX. And be it further enacted, That in Actions brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege, that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls, of such and so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants, (as the Case may happen to be,) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter ; and in such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls or other Matters whatsoever ; and the said Company shall thereupon be entitled to recover the Call or Calls which shall appear due, and the legal Interest that may be due thereon.

Directions
for Proceed-
ings, and
Actions for
Calls.

Shares may
be sold.

XL. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Conveyances of which Shares may be in the Form or to the Effect following; *videlicet*,

Form of
Conveyance.

‘ I A. B. of , in consideration of
‘ paid to me by C. D. of , do hereby convey, sell,
‘ assign, and transfer to the said C. D. the Sum of Capital
‘ Stock of and in the *Edinburgh Gas Light Company*, being One Share
‘ [or so many Shares, as the Case may be,] in the said Undertaking, to
‘ hold to the said C. D. of Executors, Administrators,
‘ and Assigns, subject to the same Rules, Orders, and Restrictions, and
‘ on the same Conditions that I held the same immediately before the
‘ Execution hereof; and I the said C. D. do hereby agree to take and
‘ accept the said Capital Stock or Share, , subject to the
‘ same Rules, Orders, and Restrictions, and Conditions. In witness
‘ whereof we have subscribed these Presents, written by
‘ at the Day of
‘ before these Witnesses and .’

And on every such Sale, the said Assignment or Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Shares,) shall be indorsed by any Three of the Committee of Management, and shall be kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk to the said Company of Proprietors shall have entered in a proper Book or Books, to be kept for that Purpose, a Memorial or Specification of such Transfer and Sale, for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Five Shillings Sterling shall be paid, and the said Clerk is hereby required to make such Entry or Memorial accordingly immediately, without any undue Delay; and until such Deed of Sale, Indorsement, and Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Right to draw any Part or Share of the Profits of the said Undertaking, nor any Vote as a Proprietor or Proprietors of the said Undertaking.

Persons
selling Shares
after a Call
to be liable
for such Call.

XLI. And be it further enacted, That after a Call of such Money shall have been made by such Committee as aforesaid, every Person and all Persons selling or transferring any Share or Shares which he, she, or they shall possess in the said Undertaking, shall, as well as the Person or Persons to whom such Share or Shares shall be sold, be liable in the Payment of every such Call in the Manner directed by this Act, unless such Person or Persons so selling or transferring shall, at the Time of such Sale or Transfer, have paid to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been previously called for upon each Share so sold and transferred.

Names of
Proprietors
to be entered,
and Certi-
ficates of
their Shares

XLII. And be it further enacted, That the said 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

entered in a Book to be kept by their Treasurer or 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, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor, his, her, or their Executors, Administrators, and Assigns, to the Share or Shares therein specified. delivered to them.

XLIII. And be it further enacted, That the Bodies Politic, Corporate, and Collegiate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as Subscribers or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given previous to the Forfeiture of Shares to the Proprietors thereof shall, if given to the Persons appearing by the said Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on such Shares shall be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any Share or Shares, which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors to receive the said Calls, or to entitle any Persons to recover any Share or Shares forfeited to the Company of Proprietors, or to make the said Company of Proprietors liable to the Payment of Dividends to any other Person than such as appear upon the said Book to be Proprietors of the said Shares; but that in all Cases the said Book shall be considered as Evidence of the Proprietorship of the said Share or Shares. For the Purpose of making and recovering Calls, the Persons whose Names are standing in the Company's Books as Proprietors are to be deemed the actual Proprietors.

XLIV. And be it further enacted, That the Property of and in the said Undertaking, and Profits arising therefrom, after deducting the Money laid out in obtaining and passing this Act, and in making the different Surveys and Plans of the same, and of the Lands and Grounds through which the same is intended to pass to be carried as aforesaid, and making and constructing the Works authorized by this Act, and all other incidental Costs, Charges, and Expences whatsoever, touching or concerning the same in anywise howsoever, which shall be respectively borne, paid, and defrayed by the said Company of Proprietors, is and are hereby vested in the said Company of Proprietors, and they shall severally and respectively be entitled thereto, in such Shares and Proportions, and in the Manner prescribed by this Act. Property of Undertaking vested in Proprietors.

XLV. And

Actions,
where to be
brought, &c.

XLV. And be it further enacted, That all Actions or Suits relative to this Act, and all Fines, Penalties, Damages, and Expences to be recovered under this Act; shall be sued for by summary Complaint before, and judged of by His Majesty's Sheriff Depute for the County of *Edinburgh*, or his Substitutes, and before no other Court or Courts; and his or their Judgments shall be final and conclusive, and not subject to Review of any Court or Courts whatever, any Law or Custom to the contrary notwithstanding.

Rights of
Magistrates
reserved.

XLVI. And be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to take away, abridge, or diminish any Rights, Privileges, Jurisdictions, and Powers which now belong to or are enjoyed by the Lord Provost, Magistrates, and Council of *Edinburgh*, in virtue of former Acts of Parliament, Royal Charters, Immemorial Usages, or otherwise, the before-mentioned Provision, as to all exclusive Privileges being declared void, being always excepted.

Rights of
Persons to
light Streets
not to be af-
fected, nor of
Companies
for supplying
the City with
Water, &c.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall have the Effect of depriving the Commissioners for paving or lighting the said City, or their Successors, or any Person or Persons, of any Right which they or any of them at present possess, or in any Manner interfere with the Powers and Authorities of the Commissioners for lighting the said City and Suburbs, and Places adjacent, or any Body Corporate or Politic, Sole or Aggregate, established, or which may be established, for the Supply of Water in or for the said City and Suburbs, and Places adjacent, or the Rights of any private Person or Persons to make, enlarge, repair, or amend any Vault under any Street within the said City and Suburbs, or Places adjacent, where Gas Pipes have been or may be laid, previous Notice of such Operation Forty-eight Hours at least before their Commencement being given at the Office of the said Gas Light Company: Provided also, that nothing herein 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 of the Method which shall be employed by them for furnishing such Light as aforesaid, as a public 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.

Public Act.

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

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