



ANNO TERTIO

# GEORGIIV. REGIS.

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## Cap. xxxii.

An Act for lighting the Town of *Leith* and its Vicinity  
with Gas, and other Purposes relating thereto.  
[15th *May* 1822.]

**W**HEREAS the Towns of *South* and *North Leith*, the Territory of *Saint Anthony's* and *Card Heads*, *Coalhill*, and *Citadel*, and Places adjacent thereto, situated within the Parishes of *South* and *North Leith*, and *West Kirk* or *Saint Cuthbert's*, are large and populous, and it would be of great Benefit to the Inhabitants thereof, and to the Public at large, if the Streets, Squares, Passages, and other public Places, were better lighted: And whereas Inflammable Air or Gas may be obtained from Oil or Coal and other Substances; and Coke, 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, Lanes, Closes, and other public Places, within the said Towns of *South* and *North Leith*, and Places aforesaid, and other Places adjacent thereto, 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

[*Local.*]

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cannot

Proprietors.

Incorporated.

11 G. 3. c. 30.

46 G. 3. c. 36.

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 *William Arbuthnot* Lord Provost of the City of *Edinburgh*, *Alexander Henderson* First Baillie of the said City of *Edinburgh*, *John Macfie*, *James Reoch*, and *Abram Newton*, Magistrates of *Leith*, *Andrew Park* Master of the Incorporation of Maltmen of *Leith*, *William Thorburn* Master of the Merchant Company of *Leith*, *Peter Wood* Merchant in *Leith*, *Robert Menzies* Ship-builder in *Leith*, *William Mowbray* and *James Wyld*, Merchants in *Leith*, *John Russell* Builder in *Leith*, *William Auld* Soap-boiler in *Leith*, and *John Gavin* Ship-builder in *Leith*, *Adam White*, *Charles White*, *Patrick Lindesay*, and *Robert Coldstream*, Merchants in *Leith*, *William Creelman* residing in *Porto Bello*, and *Hugh Veitch* Town Clerk of *Leith*, 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 *Leith 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, and all other Products arising from Oil or Coal, or other Substances, and for lighting the Towns of *South* and *North Leith* and other Places aforesaid, with Gas, and shall have full Power to enter into Contracts with the Commissioners appointed for executing the Purposes of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for cleansing and lighting the Streets of the Town of South Leith, the Territory of Saint Anthony's and Yard Heads thereunto adjoining, and for supplying the several Parts thereof with Fresh Water*; and of another Act passed in the Forty-sixth Year of the Reign of His said late Majesty, intituled *An Act for amending an Act passed in the Eleventh Year of His present Majesty, intituled 'An Act for cleansing and lighting the Streets of the Town of South Leith, the Territory of Saint Anthony's and Yard Heads thereunto adjoining, and for supplying the several Parts thereof with Fresh Water;' and for the better regulating the Police of the said Town and Territory, and of the Town of North Leith, Coalhill, and Citadel, and for other Purposes therein mentioned relating thereto, or with any Commissioners or other Person or Persons acting for the Time being under the Authority of any Act or Acts of Parliament, which now is or are, or which shall hereafter be in force for lighting the aforesaid Places, or any Part thereof, for the lighting of the said Towns and Places, or any Part thereof; and to sell and dispose of such Oil, Coke, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and all other Products arising from Oil or Coal as aforesaid; and shall have full Power to purchase Lands, Tenements, or Heritages, to them and their Successors and Assigns, for the Use of the said Undertaking, but for no other Use or Purpose.*



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, as often as it may be necessary, to contract and agree for the absolute Purchase of any Lands, Grounds, Tenements, or Heritages, within the said Towns of *South and North Leith*, or Places adjacent thereto, with any Body Corporate or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, married Women, Trustees, Tutors and Curators, and all and every other Person or Persons whatsoever, though under any legal Disability or Incapacity, who is, are, or shall be seised or possessed of, or interested in, any such Lands and others aforesaid, and 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 Three Acres in Extent.

Company  
may contract  
for Purchase  
of Lands.

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, Heirs of Entail, Husbands, married Women, 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 seised 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 the said Company of Proprietors, shall be made according to the legal Forms and established Practice of the Law of *Scotland*.

Bodies Po-  
litic, &c. em-  
powered to  
sell.

IV. 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 Liferents, 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 same 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, Tene-  
ments,

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



ments, 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 or 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.*

V. 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 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, be paid into either of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in Manner hereinbefore 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 by Five or more of the said Directors or 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.

When less than 20*l.*

VI. 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 Directors or 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.

Where doubtful Title, Persons in Possession to be deemed entitled.

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 *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



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 shown 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 to 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.

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 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 Price 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.

IX. And be it further enacted, That upon Payment of the Money which may be contracted or agreed to be paid by the said Company, or their Directors or Committee of Management aforesaid, for any Lands, Tenements, or Heritages, for the Uses and Purposes of the said Company, to the Party or Parties respectively entitled to the same, or their Agents, or upon Payment thereof into any of the aforesaid Banks for the Purpose of being disposed of in Manner herein-before directed (as the Case may be), and a Receipt or Receipts, Certificate or Certificates, obtained for such Payment or Payments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law or Equity of the Party and Parties, and Person and Persons respectively, to whom or for whose Use the same shall be paid, in, to, or out of such Lands, Tenements or Heritages, shall vest in the said Company and their Successors for ever, for effecting the Uses and Purposes of this Act, who shall hold the same, and all Right or Interest therein purchased as aforesaid, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever; and the said Company shall immediately thereupon be deemed in Law to be in the actual Right, Seisin, or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person, having any Estate, Right, Title, or Interest in the Premises, had actually and formally made over, conveyed, and assigned the said Lands, Tenements, and Heritages unto the said Company.

On Payment of Purchase Money Premises vested in the Company.

X. And be it further enacted, That it shall be lawful to the said Company, at any Time or Times, to sell or dispose of all or any

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Part

Power to sell Land not wanted.



Part of the said Lands, Tenements, or Heritages, which shall not be wanted for the Purposes of this Act, as they shall think proper, and from Time to Time to purchase and hold Lands, Tenements, or Heritages suitable for the Uses and Purposes of this Act, not exceeding Three Acres as aforesaid, and again to sell such Parts thereof as shall not be wanted in Manner aforesaid.

Proprietors  
to raise Mo-  
ney not ex-  
ceeding  
15,000*l*.

XI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute among themselves a competent Sum of Money for making and maintaining Gasometers or Reservoirs of Gas, and all other Works and Conveniences belonging or requisite thereto, not exceeding in the whole the Sum of Fifteen thousand Pounds Sterling; which said Sum of Money shall be laid out and applied, in the First Place, in discharging the Expences of obtaining and passing this Act, and the making the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto, including the Price of the Grounds or Tenements to be purchased for the Scite or Scites of the Works necessary for the said Undertaking, or in paying Damages; and then in making, completing, and maintaining the said Works, the Pipes for conveying the Gas, and other requisite Works and Conveniences for putting this Act into execution; and that the said Sum of Fifteen thousand Pounds Sterling shall be divided into Shares of Twenty Pounds Sterling each, and that such Shares shall be and the same 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 subscribed, or shall severally subscribe for One or more Share or Shares towards carrying on and completing the said Undertaking, and other Purposes of the said Subscriptions; and such Persons, and their several and respective Executors, Administrators, or Assigns, 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 Rates, and other Sums of Money to be raised, recovered, or received by 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 proportional Sum towards carrying on the same in Manner herein directed and appointed.

Powers not  
to be ex-  
ercised till  
15,000*l*. is  
raised.

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

The Com-  
pany may  
borrow  
Money not  
exceeding  
3,750*l*.

XIII. And be it further enacted, That it shall and may be lawful to and in the Power of the said Company of Proprietors, or their Directors or Committee of Management after mentioned, by and with the Advice and Direction of any General Meeting of the said Company held for that Pur-  
pose,



pose, to borrow or take up on Loan at Interest, any Sum or Sums of Money for the Use and Behoof of the said Company, not exceeding the Sum of Three thousand seven hundred and fifty Pounds Sterling in the whole, and to grant, execute, and deliver to and in favour of the Lenders, or those having Right, such Bonds, Obligations, or other Deeds in Writing as may be required, binding the said Company, and the Trade, Stock, and Estate of the said Company, for Payment of the Sum or Sums so borrowed, with lawful Interest,

XIV. And be it further enacted, That it shall be lawful for the said Company, and they are hereby fully authorized and empowered (subject to the Provisions and Restrictions herein mentioned), by their Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Machines, and other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works, and to sink and lay Pipes of such Construction and in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into Execution; and also in a careful and workmanlike Manner, doing thereby as little Damage as may be, to break up the Soil, Pitchings, Causeways, and Side Pavements of any Streets, Squares, Highways, Roads, Ways, Footpaths, Lanes, Passages and Places, within the said Towns of *South Leith* or *North Leith*, or Places adjacent thereto; as aforesaid; and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stop-cocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along such Streets, Squares, Highways, Roads, Ways, Footpaths, Lanes, Passages, and Places, and in such Manner as shall be necessary for the Purpose of carrying this Act into Execution, or supplying any such Light as aforesaid; and from Time to Time to alter the Position of, and to repair, relay, and maintain, enlarge or add to such Pipes, Stop-cocks, Syphons, and Plugs or Branches, and also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Square, Highway, Road, Way, Lane, Footpath, Passage, or Place, by the said Company, by virtue of this Act, into any Dwelling House or Houses, Shops, Manufactories, public or private Buildings, for the Purpose of lighting the same from any such Mains or Pipes, and to fix, place, and maintain any Apparatus or Convenience necessary or requisite, or deemed advisable, for securing to any Dwelling House or Houses, Shops, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply; and also to alter or amend, or enlarge or add to any Work which shall have been placed, when the same shall be bad or imperfect, or which shall be injured or damaged, in such Dwelling House or Houses, Shops, Manufactories, public or private Buildings; and to do all such other Acts, Matters, and Things of the same or the like Nature as shall from Time to Time be necessary and convenient for the Purposes of carrying this Act into Execution, according to the true Intent and Meaning of the same: Provided always, that a proper Compensation be made by the said Company of Proprietors for any Damage to be done by the said Acts respectively; and provided also, that nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Company, or their Successors, to carry or lay any Pipe or Pipes, Cocks or Branches, from any Main or Pipe into

Power to break up the Soil and the Pavements of Streets.

or



or against any Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings as aforesaid, or to continue the same when so carried or laid, without the Consent in Writing of the Owner and Owners and Occupier and Occupiers for the Time being of every such Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings as aforesaid.

To carry  
Pipes across  
the Water of  
Leith.

XV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized, for the Purposes of this Act, to carry a Pipe or Pipes either across the Bed of the Water or River of *Leith*, or the Harbour thereof, or along the Drawbridges, or other Bridges across the said Water or River of *Leith*, or any of them, or any other Bridge that may be built across the said Water or River of *Leith*, at or near the Towns of *South* and *North Leith*, and within the Bounds comprehended under this Act, and to affix such Pipe or Pipes thereto in such Manner as the said Company or their Directors shall consider most proper; but such Pipe or Pipes shall be so carried along the said Bridges, or across the Bed of the said River or Harbour, as not to injure the same, and so as not to interfere with or interrupt the free Passage of the River or Harbour of *Leith*, or the said Bridges or any of them.

To prevent  
Escape of  
Gas from  
Pipes in the  
Bed of the  
River.

XVI. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipe or Pipes so to be laid across the Bed of the Water or River of *Leith*, or Harbour thereof, the said Company shall at their own Expence, immediately after receiving Notice by Parole or in Writing (to be left or given at their Office or usual Place of transacting Business) of such Escape of Gas from any Person or Persons whomsoever, cause such Pipe or Pipes to be taken up and amended, so as effectually to stop and prevent such Gas from escaping; and in case the said Company shall not, within Twenty-four Hours after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent such Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which such Gas shall be suffered to escape as aforesaid; which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before the Admiral of the Town of *Leith*, and Magistrates of the said Town, or any One of them, not being Members of the said Company, or before the Sheriff Depute of the said County of *Edinburgh*, or any One of his Substitutes, as the Case may require, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company by Warrant of any such Admiral, Magistrate, Sheriff Depute or Substitute as aforesaid, to be granted in the like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered from the said Company.

Notice of  
Operations to  
be given.

XVII. Provided always, and be it further enacted, That the said Directors or Committee of Management shall be obliged, Forty-eight Hours before commencing such Operations, either for laying or relaying, repairing



ing or enlarging, such Pipes and other Works, to give Intimation to the Commissioners of Paving of the said Town of *Leith*, by Notice in Writing to the Intendant of Police for the Time being, if such Pipes are intended to be laid within the Bounds of Police, or to the Convener of the Road Trustees of any other Part or District through which Pipes shall be laid, or the Operations be carried on; and in like Manner to the Owner or Owners, Occupier or Occupiers of all other Places whatever, where such Operations are intended to be effected; and provided also, that no public Streets, Roads, or Highways shall be broken up without the Consent of the Commissioners, Trustees, Intendant, or other Person or Persons under whose Care the same may be; and that no private Roads or Ways shall be broken up without the Consent of the Owner or Owners, and Occupier or Occupiers of the Soil thereof in Writing.

Consent to be obtained.

XVIII. Provided always, and be it further enacted, That in all Cases where any Consent is required to be and shall be or have been obtained by the said Company to break up, or take up or remove, any Soil, Pitchings, Causeways, or Side Pavements, in or of any Streets, Squares, Highways, Roads, Bridges, Ways, Footpaths, Lanes, Passages, and Places in the said Towns or Places adjacent thereto, in order to lay down any Main or Mains, Pipe or Pipes to convey Gas, or for any other Purpose which may be required under this Act, nothing in this Act contained shall, after such Consent obtained and Notice given as aforesaid (or in case of Emergency after Three Hours previous Notice) in Writing from the said Company or their Clerk given to or left at the Place of Abode of such Surveyor or Surveyors, or of the Clerk to such Trustees, or the Intendant of Police, or the Person having the Property of such Soil, Causeway, or Pavement, be deemed or construed to extend to prevent the said Company from repairing such Main or Mains, Pipe or Pipes, or from breaking or taking up or removing any Pavement, Soil, or Ground as aforesaid, for the Purpose of laying down or repairing any such Main or Mains, or any Pipe or Pipes whatever, or for any other Purpose which may be required under this Act.

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

XIX. And be it further enacted, That in breaking up the Soil, Pitching, Causeways, and Side Pavements, and other Ways, of any Streets, Squares, Highways, Roads, Ways, Footpaths, Lanes, Passages, and Places, it shall not be lawful to the said Company, and their Directors or Committee of Management, to break up or remove 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 Openings made by the said Company shall be fenced with a sufficient Fence, and shall be watched, and lighted by Lamps placed at each Extremity of such Opening, to be kept burning from Sun-setting till Sun-rising at the Expence of the said Company; and failing their so doing, the said Company shall be liable in a Penalty not exceeding Five Pounds Sterling to the said Commissioners of Paving in respect of the said Streets, or to the said Road Trustees respectively for the said Roads, or to the Owners or Occupiers of any private Road for such private Road as aforesaid; such Penalty to be sued for within One Calendar Month of the Offence committed; and not thereafter, and to be recovered as herein-after mentioned; and the Soil, Causeways, and Side Pavements of such Streets, Squares, Ways, and Places aforesaid, so broken

Openings to be fenced.

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up,



up, or in any way damaged by the said Company, shall in all Cases be again laid down and replaced in good Condition and Repair, at the Expence of the said Company; and shall, in so far as the same shall have been damaged by the Operations of the said Company, be kept in repair by them for the Space of Six Months thereafter, and from Time to Time during that Space as Occasion may require.

Power to repair Pipes in case of Accidents.

XX. And be it further enacted, That it shall be lawful to and in the Power of the said Company, or their Directors or Committee of Management, 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 whereby the Gas may escape, immediately, and without such previous Notice as aforesaid, to repair such Injury, the said Company of Proprietors making Satisfaction in the Manner herein-after mentioned to the Owner or Occupier of, or any Person 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 the same; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Directors or Committee of Management, 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.

Escape of Gas prevented.

XXI. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company in pursuance of this Act, the said Company shall, at their own Expence, immediately after receiving Notice by Parole or in Writing, (to be left or given at their Office or usual Place of transacting their Business) of any such Escape of Gas, from any Inhabitant or Inhabitants whomsoever of any of the said Towns or Places adjacent, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not, within Twenty-four Hours after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent such Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses before the Admiral of the Town of *Leith*, and Magistrates of the said Town, or any One of them, not being Members of the said Company, or before the Sheriff Depute of the said County of *Edinburgh*, or any One of his Substitutes, as the Case may require; and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of any such Admiral, Magistrate, Sheriff Depute or Substitute as aforesaid, to be granted in the like Manner and subject to the like Provisions as are herein directed, touching other Penalties to be recovered from the said Company.

XXII. And



XXII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company or their Directors or Committee of Management, or any Person or Persons acting under their Authority, in any way whatsoever to interfere with or abridge the Rights or Privileges of the Commissioners acting under the Authority of the before-recited Acts, to supply the Inhabitants within the Bounds comprehended under the said Acts, or either of them, with Water; and the said Company shall be and they are hereby made liable for all or any Damage, Injury, or Mischief which shall arise or be done to any of the Pipes, Works, or Property of the said Commissioners, or the Pipes or Branches of any Person or Persons communicating with such Pipes, Works, or Property, or which shall or may be sustained by them, or any or either of them, by reason or in consequence of any Act, Matter, or Thing to be done or executed by the said Company, or any of their Agents, Servants, or Workmen; and the said Company shall and they are hereby required to pay the Amount of such Damage, Injury, or Mischief, on Demand.

For protect-  
ing the Water  
Pipes.

XXIII. And be it further enacted, That it shall and may be lawful for the said Company to make Sewers or Cuts of such Breadth, Depth, and Dimensions, and in such Manner as they shall think fit, under the Streets, Highways, Roads, Ways, Foot-paths, Lanes, Passages, and Places within the said Towns of *South Leith* and *North Leith*, and other Places adjacent thereto as aforesaid, for the Purpose of carrying away 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 Damage; provided that no such Sewer or Cut shall be made in any Situation where the same can, shall, or may in any Manner interfere with, prejudice, or affect any of the present or future public or private Wells, Sewers, or Drains within the said Towns of *South Leith* and *North Leith*, and Places adjacent, or without the Consent of the Commissioners or Trustees for the Time being, having the Direction or Management of the Streets or Highways, or others aforesaid, or the Owner and Owners, Occupier and Occupiers of any private Lands or Grounds, through, under, or across where such Sewers or Cuts shall be made.

Conveyance  
of Waste  
Liquids.

XXIV. Provided always, and be it further enacted, That if the said Gas Light Company shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other Waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the Works of the said Gas Light Company, into any River, Brook, or Running Stream, Reservoir, Aqueduct, Feeder, Pond, or Spring Head, or into any Drain, Sewer, or Ditch, communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or Running Stream, Reservoir, Aqueduct, Water-way, Feeder, Pond, or Spring Head, Drain, Sewer, or Ditch, whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then in each and in every such Case the said Gas Light Company shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered by summary Complaint in the Court of Session; and the whole of such Penalty shall be paid to the Person or Persons

Penalty on  
Company for  
conveying  
Washings  
into any  
River,  
Stream, &c.



Persons who shall inform or sue for the same : Provided always, that no such Penalty or Forfeiture shall be recoverable, unless the same be sued for within Twelve Calendar Months from the Time such Annoyance, Act, and Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not be recovered, in case any of the said Washings or other Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or Running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given to the said Gas Light Company, and the said Gas Light Company shall not, within Twenty-four Hours after such Notice shall have been given to them as aforesaid, stop, hinder, or prevent all and every such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Gas Light Company shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid ; and such last mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied.

Houses not  
to be injured.

XXV. Provided always, and be it enacted, That nothing herein contained shall authorize and empower the said Company of Proprietors, or their Directors or Committee of Management, 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.

Power to  
contract for  
supplying  
Gas.

XXVI. And be it further enacted, That the said Company or their Directors or Committee of Management may and they are hereby authorized and empowered to enter into Agreements or Contracts with the aforesaid Commissioners appointed for executing the said recited Acts, or with any other Person or Persons having for the Time the Controul, Direction, or Management of the Lighting of the different Parts and Places comprehended under this Act or any Part thereof, or with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, willing or desirous to contract with the said Company of Proprietors for lighting the said Towns of *South* and *North Leith*, and Places adjacent thereto, or any Part thereof, or any Streets, Squares, public Market Places, Manufactories, or private Houses, or Places of public Exhibition, Shops, Counting Houses, or Warehouses, or any other Place within the Bounds aforesaid, for Payment to the said Company of Proprietors, or to any Person or Persons to be appointed by them, yearly, quarterly,



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 or conveying Gas 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 any Person making such Default; and if any Person shall lay or cause to be laid any 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 first had and 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 have so remained or remain.

XXVII. Provided always, and be it further enacted, That the said Company shall and they are hereby directed and required to supply all the Public Streets, Squares, Lanes, Passages, and Places in the said Towns of *South Leith* and *North Leith*, and Places aforesaid, or adjacent thereto, with Gas of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil; and every Contract or Agreement which shall be entered into for lighting with Gas any Public Street, Square, Lane, Passage, or Place, by the said Company, shall contain a Clause providing that it shall be obligatory on the said Company that such Street, Square, Lane, Passage, or Place shall at all Times be better and cheaper lighted by the said Company than could be done by Oil.

Gas to be supplied cheaper than Oil Lights.

XXVIII. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put up by the said Company for lighting the Streets, Squares, and other Public Places of the said Towns of *South Leith* and *North Leith*, and Places aforesaid, or adjacent thereto, any or either of them, under any Contract or Agreement with the said Commissioners or other Persons thereunto authorized, shall be kept fully charged with Gas, and the Stopcocks shall be so formed or turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Service Pipes to be kept fully charged with Gas.

XXIX. And be it further enacted, That the Rates or Sums of Money for supplying any Person or Persons with Gas or Inflammable Air for the Purposes before mentioned, shall and may be fixed and ascertained, either according to the Kind of Burner or Burners which may be used, or in such other Manner as the said Company or their Directors shall see proper, and the said Rates or Sums of Money shall and may be payable and become due in advance and immediately upon the Commencement of the Period for which the Person or Persons supplied with Gas or Inflammable Air may contract with the said Company; and the said Directors may let the Rates of the said Company in Whole or in Part from Time to Time, in such Way and Manner as they shall consider proper.

Rates how to be ascertained.

XXX. And whereas the Rates or Sums of Money which will be payable to the said Company for supplying Persons with Gas as aforesaid will

[Local.]

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Directions for recovering Rates. in



in general be small, and if not regularly paid, the Recovery thereof by the common Mode of Procedure for the Recovery of Debts in Courts of Law will be attended with great Expence to those in Arrear; be it therefore further enacted, That if any Person or Persons shall refuse or delay to pay the Rates or Sums of Money respectively due by them to the said Company for being supplied with Gas or Inflammable Air as aforesaid, for the Space of Fourteen Days after the same shall have fallen due, and been demanded from him, her, or them personally, or by leaving a written or printed Requisition signed by the Manager or Collector of the said Company, or other Person or Persons appointed by the said Company or by their Directors, to collect the same, at the House or Premises for supplying which with Gas or Inflammable Air the Rates or Sums of Money shall be due, it shall be lawful for the said Manager or Collector, or other Person or Persons, to apply to the Admiral and Magistrates of *Leith*, or any One of them, if within their Jurisdiction, not being a Member or Members of the said Company, and in all other Cases to the Sheriff Depute of the County of *Edinburgh*, or any One of his Substitutes, for a Warrant to the Officers of such Judge, to enter into the Premises of the Person or Persons in Arrear, and seize and take Possession of his, her, or their Goods and Effects; which Warrant the said Admiral and Magistrates and Sheriff, or any One of them, is and are hereby directed to grant in Manner before provided for, upon any Certificate under the Signature of such Manager or Collector, or other Person or Persons to be appointed as aforesaid, of the Names of the Person or Persons in Arrear, and Sums due by them respectively, he, she, or they being always duly cited, by a written or printed Requisition as aforesaid, to appear before the Judge to whom the Application is made, to state his, her, or their Objections, if any be, to such Warrant being granted, before the same shall be issued; and if the Sums respectively due by them, together with the necessary Expences of such Seizure, shall not be paid within Three Days thereafter, then it shall be lawful for the said Manager or Collector, or other Person or Persons aforesaid, forthwith to sell and dispose of the Goods and Effects of the Person or Persons in arrear respectively, or such Part thereof as shall be necessary, by public Roup, in Front of the Court House of *Leith*, or such other Place as may appear proper, and to apply the Price in Payment of the Rates or Sums of Money respectively owing, with the Expences of Procedure, and to return the Overplus, if any be, to the Owner or Owners, the Amount of the Expences being always ascertained by the Judge who shall issue the Warrant, and the Property, Goods, and Effects, in the Premises, for supplying which with Gas or Inflammable Air such Rates or Sums of Money shall be due, shall be hypothecated to the said Company for Payment thereof, but without Prejudice always to the Hypothec of the Landlord as by Law established: Provided always, that it shall and may be lawful for any Person or Persons against whom any such Warrant shall have been issued, to complain thereof to the Judge who shall have granted the same, and the Determination of such Judge on such Complaint shall be final and conclusive, without being subject to any Review, or any Stay of Execution whatsoever.

Commissioners of Police authorized to contract with the Company.

XXXI. And be it further enacted, That it shall and may be lawful for the Commissioners appointed for executing the before recited Acts, or other Person or Persons, Bodies Politic or Corporate, Corporations, or others, to enter into such Contracts or Agreements with the said Company, in the Way and Manner, and upon such Terms and Conditions, and at such



Rates or Price, and for such Period of Time, as they shall consider most expedient and most beneficial.

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

Contracts not performed may be voided on Notice.

XXXIII. Provided always, and be it further enacted, That in all and every Case where the Contract or Contracts so to be made and entered into by the said Company shall be determined as aforesaid, and the Mains, Pipes, Cocks, Plugs, Branches, Lamp Posts, Lamp Irons, and other Apparatus or Materials belonging to the said Company, shall be taken away and removed by them, the said Company shall make good and repair the Pavements, Causeways, Streets, and Roads, which shall have been opened or broken up by them for that Purpose, without Delay, or in Default thereof the same shall and may be repaired and made good by the Commissioners acting in the Execution of the said recited Acts, or the Surveyors for the Roads and Highways within the Bounds comprehended under this Act, or other Person or Persons having the Right to or the Charge or Superintendence of such Streets, Roads, Causeways or Pavements; and the Costs and Charges attending the same, and the Keeping of the same in good and sufficient Repair, for the Space of Six Months thereafter, shall be paid by the said Company, and recovered as herein-after mentioned.

Streets, &c. to be made good by the Company.

XXXIV. Provided always, and be it further enacted, That if any Person or Persons whomsoever, supplied with Gas by virtue of this Act, shall supply any other Inhabitant, 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; and it shall be lawful for the Manager or any of the Officers or Servants of the said Company to inspect the Buildings lighted with Gas or Inflammable Air supplied by the said Company; and if in any Building or Place a greater Number of Jets or Lights of the said Gas or Inflammable Air supplied by the said Company shall be burned than shall have been agreed for with the said Company, or if the Meter or Meters which may be used for ascertaining the Quantity of Gas so consumed or supplied in any such Building or Place shall be in any ways injured or destroyed, the Occupier or Occupiers of such Building or Place so injuring or destroying such Meter or Meters, or in the Knowledge of such greater Number of

Persons not to supply others with Gas.



of Jets or Lights being so burned, shall forfeit and pay to the said Company a Penalty not exceeding Five Pounds Sterling.

Penalty for interrupting the Company's Workmen.

XXXV. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt any Workmen, or Servants, or any of them, in doing or performing any of the Works, or in Exercise of any of the Powers and Authorities by this Act authorized or 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 Person or Persons by them authorized in that Behalf, any Sum not exceeding Ten Pounds Sterling, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption.

Penalty for injuring the Works.

XXXVI. 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 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, or to their Directors or Committee of Management, or to any Person or Persons authorized by them in that Behalf, 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.

XXXVII. 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 any Share or Shares of the Stock of the said Company, or is, are, or shall be a Contributor or Contributors thereto, or the Real or Personal Estate of any such Person or Persons, with any Debt or Demand whatever due or to become due by or from the said Company, beyond the Extent of his, her, or their Capital Stock, or Share or Shares, or Interest of or in the Stock of the said Company, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Shares to be Personal Estate.

XXXVIII. 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, agreeable to the Law of *Scotland*.

Proprietors to have a Vote for every Share not exceeding Ten.

XXXIX. 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, or shall subscribe or undertake, for One or more Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, present at the stated General Meetings and Special General Meetings to be held as herein appointed, shall have a Vote for every such Share, but not exceeding Ten Votes in the Whole, although possessed of more than Ten Shares in the said Undertaking, and every Question, Matter, and Thing which shall be proposed, discussed; or considered in any stated General Meeting or any Special General Meeting of the said Company of Proprietors, shall be



be determined by the Majority of Votes then present, computing One Vote to every Share, no Proprietor having more than Ten Votes as aforesaid.

XL. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to One 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 Share; 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 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 Directors or Committee of Management, upon any Question or Questions relating to the Concerns of the said Company in which such Subscriber or Subscribers shall have a separate personal Interest.

Joint Proprietors or Bodies Corporate how to vote.

XLI. And be it further enacted, That all the Meetings of the said Company, both stated General Meetings and Special General Meetings, shall be held in the Town of *Leith*; 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 Meeting shall be held only excepted.

Places of General Meetings.  
Parties to pay their own Expences.

XLII. And be it further enacted, That the first General Meeting of the said Company of Proprietors for putting this Act into Execution, shall be held at *Leith* as aforesaid, upon the Second *Tuesday* of *June* One thousand eight hundred and twenty-three, at the Hour of Twelve at Noon, and all future General Meetings of the said Company, (except such Special General Meetings as are herein-after mentioned), shall be held on the Second *Tuesday* of *June* in every Year thereafter, at the Hour of Twelve at Noon, of all which General 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 Directors.

First and other General Meetings.

XLIII. 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 the Directors or Committee of Management, or any Five of the Directors, or to Proprietors holding Shares collectively, to the Extent of One Fifth Part at least of the Capital Stock of the said Company, for the Time being, upon specifying in a Writing subscribed by them the Purport of such Meeting, to require the Clerk of the said Company of Proprietors to call such 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 is to 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

Meetings of Proprietors may be specially convened.

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cution



cution 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 such Notice, as if the same had been done at any Annual General Meeting; and at all such General and Special General Meetings of the said Company of Proprietors, the Chairman to be elected and chosen in Manner after mentioned, and in his Absence the Deputy Chairman to be also elected and chosen in Manner after mentioned, shall preside; and if the Chairman or Deputy Chairman shall not be present at any such Meetings, then the Director present, whose Name shall stand first in the List, shall preside at such Meeting, and such Chairman or Præsides 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.

Purchasers to be in Possession of their Shares Six Months before they can vote.

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

Number of Proprietors requisite to constitute a General Meeting.

XLV. Provided always, and be it further enacted, That if at any General Meeting, or Special General Meeting, Fifteen Proprietors shall not assemble and proceed to Business in One Half Hour from the Time appointed for such Meeting, or if that Number be not present when the Whole or any Part of the Business to be transacted shall be decided upon, the Meeting shall be adjourned to the same Day in the following Week, or to some other Day, to be fixed by the Directors, or any Five or more of them.

Appointment of Chairman, Deputy Chairman, and Directors.

XLVI. And be it further enacted, That the said *John Macfie* shall be Chairman, and the said *Abram Newton* shall be Deputy Chairman, and the said *James Reoch, Andrew Park, William Thorburn, Peter Wood, Robert Menzies, William Mowbray, James Wyld, John Russell, William Auld, and John Gavin*, shall, with the said Chairman and Deputy Chairman, be Directors of the said Company; and the said Chairman, Deputy Chairman, and Directors, shall constitute a Committee of Management of the Concerns of the said Company until the General Meeting of the Proprietors of the said Company, to be holden upon the Second *Tuesday* of *June* One thousand eight hundred and twenty-three, when the Three Persons at the Head of the aforesaid Number or List shall go out of Office, and an equal Number of new Directors shall be elected in their Stead, and be added to the Bottom of the List of Directors, and so on upon the Second *Tuesday* of *June* in every Year thereafter, the Three Directors at the Top of the List shall go out of Office, and Three new Directors shall be chosen in their room, and the Directors so retiring shall not again be eligible



eligible until they shall have been One Year at least out of Office: Provided always, that no Person shall be qualified to act as a Director of the said Company, who shall not be possessed of Two Shares at least in the Stock of the said Company, and in the Event of any of the said Directors disposing of his Stock so as not to be possessed of such Number of Shares qualifying him to be a Director as aforesaid, such Person shall be no longer entitled to act as a Director of the said Company: Provided also, that no Person shall be qualified to be elected or to serve as a Director of the said Company, who shall hold any Place of Profit under the said Company, or who shall be a Dealer in any Article, Matter, or Thing used or manufactured by the said Company, or who shall be concerned or interested in any Contract to be made or entered into under this Act, or who shall offer to take or shall actually participate, in any Manner, in any Work to be done for the said Company, whether by Contract or otherways.

No Person holding any Places of Profit to be eligible as a Director.

XLVII. And be it further enacted, That the Directors to be chosen in Manner before provided for, shall, annually within Ten Days after their Election, make Choice of One of their Number to be Chairman and another of their Number to be Deputy Chairman of the said Company.

Election of Chairman and Deputy.

XLVIII. 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 Directors 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 *Leith*, for the Direction and Management of the Affairs of the said Company, and that any Five or more of the Directors, 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 them, as a Committee of Management, and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at their Meetings, shall be decided and determined by the Majority of Directors then present; but no Director shall have more than One Vote at any such Meeting, except in cases of Equality of Votes, as before provided for; providing always that if on the Day appointed for any such Meeting of the Directors, such a Number shall not attend as are hereby required to constitute a Meeting for exercising the Powers hereby vested in them as a Committee of Management, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to any future Day fixed by the Director or Directors or Majority of them then present, or, if no Director 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 Directors 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 whole Directors, or their Quorum before specified; and the Chairman or Deputy Chairman for the Time being, or any Five or more Directors may, at any Time when he or they shall think fit, call a Meeting of the Directors, by Notice in Writing to be sent to the Residence or Place of Address of every one of the Directors.

Quorum of the Directors.

XLIX. And be it further enacted, That when and as often as the Chairman, Deputy Chairman, or any Director to be elected by virtue of this Act, shall

For supplying Vacancies in the Direction.



shall die, or become disqualified, or shall refuse or neglect to attend the Meetings of the said Directors for the Space of Three Calendar Months, it shall be lawful for the remaining Directors to choose some one of their Number to be Chairman and Deputy Chairman, and some other Proprietor as a Director, in the Place which may then be vacated; and every such Director or Proprietor so to be elected to fill any such Vacancy shall continue in his Office as Chairman, Deputy Chairman, or Director, so long as the Person or Persons in whose Place or Stead he or they were elected would have been entitled to have continued, if such Death, Disqualification, Refusal, or Neglect had not happened.

Directors  
may appoint  
Officers;

and take Se-  
curity;

and balance  
and settle  
Accounts  
every Year.

L. And be it further enacted, That it shall and may be lawful for the said Directors, and they are hereby authorized and required from Time to Time to nominate and appoint a Manager, Treasurer, or Collector, and also a Clerk to the said Company of Proprietors, and such Engineers, Surveyors, and other Officers as the said Directors shall think proper and expedient for the better carrying the Purposes of this Act into Execution; the said Directors 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 he or they may be entrusted, and for the faithful Discharge of the Trust reposed in him or them, and also from Time to Time to discharge and dismiss any such Manager, Treasurer, Collector, Clerk, Engineer, Surveyor, and other Officers, and appoint others in their Stead, as the said Directors shall think fit; and that all such Managers, 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 Directors, or to such other Person or Persons as they shall appoint, all the 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 any ways relating to the said Undertaking; and the said Directors 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 twenty-three, 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, docketed, and signed by the major Number or Quorum of the said Directors, and shall be produced at the General Meeting of the said Company of Proprietors, to be held upon the Second *Tuesday* of *June* One thousand eight hundred and twenty-three, 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 Second *Tuesday* of *June* in each Year as aforesaid.

Clerk and  
Treasurer not  
to be same  
Person.

LI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk,



Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as a Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

LII. Provided always, and be it enacted, That such a Sum as the said Directors 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 One thousand Pounds as a Fund for answering Contingencies; and the said Directors are hereby authorized and empowered, if they shall see Cause, to continue or set apart and augment the said Contingent Fund in Manner aforesaid, until the same shall amount to any Sum not exceeding Two thousand Pounds; and 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 Directors; and the Dividends or Interest arising from the said accumulated Fund of One 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; provided that no Dividend shall be made, whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share or Shares, after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

Contingen-  
cies and Di-  
vision of  
Profits,

Dividend not  
to encroach  
on the Ca-  
pital.

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

Receipt of  
the Person in  
whose Name  
Shares stand  
for Dividends  
to be good.

LIV. And be it further enacted, That the Directors or Quorum aforesaid shall have full Power and Authority, from Time to Time, at any of their  
[Local.]

Directors  
may make  
Calls for  
Money;



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 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 Directors shall from Time to Time order and direct.

and may  
contract for  
and purchase  
Land.

LIV. And be it further enacted, That the said Directors, or their 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 all such Materials and other Things as shall or may be wanted for the said Undertaking, and the Works hereby authorized to be made; and also to sell and dispose of such Lands, Tenements, Heritages, Materials, and others, if they shall see Cause; and to treat and agree with all and every Person or Persons, or Body Politic, or Corporate, or Collegiate whatsoever, 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.

Proceedings  
to be entered:

LVI. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the Company, as of the Directors, shall be entered by the Clerk in a Book or Books to be provided and kept for that Purpose; and no Business shall be transacted at any Special General Meeting besides the Business for which such Meeting shall have been called, and no other Business shall be transacted at any adjourned Special General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place.

Directors to  
enter their  
Proceedings.

LVII. And be it further enacted, That the Directors shall enter or cause to be entered in a Book or Books, a full and true Account of all Money disbursed, and Payments made by such Directors, 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; but that no Money shall be issued or paid by the Treasurer to the said Company of Proprietors, for or on

Money not  
to be issued  
but as di-  
rected.

account



account of the said Company, otherwise than in such Manner as shall be directed by the Directors.

LXVIII. And be it further enacted, That the said Company of Proprietors shall also have full Power and Authority from Time to Time, at any General Meeting as aforesaid, to make such Rules, Orders, 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 Directors, 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 Superintendance 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 Directors shall seem meet and expedient; provided that such Rules, Orders, and Bye Laws be not repugnant to the 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 also, that such Rules, Orders, and Bye Laws shall be subject to the Review of any General Assembly of the said Proprietors.

Company  
may make  
Bye Laws.

LXIX. Provided always, and be it further 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 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 Admiral and Magistrates of *Leith*, or any one of them, or the Sheriff Depute or any one of his Substitutes for the 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 Admiral and Magistrates, or any one of them, 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 further Satisfaction to be made to the Party injured as he or they shall judge reasonable; and the Determination of such Admiral or Magistrates, Sheriff Depute or Substitutes, shall be final and conclusive, without being subject to Advocation, Suspension, or Reduction, any Law or Statute to the contrary notwithstanding.

Bye Laws  
subject to  
Appeal.

LXX. 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 herein-before 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

Calls to be  
made on Pro-  
prieters;



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

nagement making such Call, and of which such Notice shall be given as is herein-before 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 Directors 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 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 Directors, 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 their Directors, 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 proportional 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 at some Meeting of the said Directors, 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



with regard to the future carrying on and Management of the said Undertaking.

LXI. And be it further enacted, That in all Actions brought by the said Company or their said Directors, 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 Ac-  
tions for  
Calls.

LXII. 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*,

Shares may  
be sold.

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 *Leith 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 im-  
 mediately 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 Con-  
 ditions. In witness whereof we have subscribed these Presents, written  
 by \_\_\_\_\_ at \_\_\_\_\_ the \_\_\_\_\_ Day  
 before these Witnesses \_\_\_\_\_ and \_\_\_\_\_

Form of Con-  
veyance.

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

[Local.]



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 endorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence 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 to any Vote as a Proprietor or Proprietors of the said Undertaking.

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

LXIII. And be it further enacted, That after a Call of such Money shall have been made by the Directors 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.

LXIV. And be it further enacted, That the said Directors shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to any Share or 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 or Books 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.

For Calls, the Persons whose Names stand in the Books to be deemed Proprietors.

LXV. 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 Books, 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 so 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



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 recover the said Calls, or to entitle any Persons to recover any Share or Shares forfeited to the said 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.

LXVI. 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 on and through which the Works and Pipes of the said Company are intended to be or pass 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.

LXVII. 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 the Admiral and Magistrates of *Leith*, or any One of them, if within their Jurisdiction, not being Members of the said Company, and in all other Cases by His Majesty's Sheriff Depute for the County of *Edinburgh*, or any One of his Substitutes, and before no other Court or Courts; and the Judgments of such Admiral, Magistrates, Sheriff Depute or Substitute, shall be final and conclusive, and not subject to Review of any Court or Courts whatever; any Law or Custom to the contrary notwithstanding; and that all the Forfeitures and Penalties to be recovered under the Authority of this Act by the said Company shall be applied towards the Purposes of this Act, after Deduction of the Expences incurred in recovering the same.

Actions  
where to be  
brought, &c.

Penalties  
how applied.

LXVIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service thereof upon any one of the said Directors, or left at his usual Place of Abode, or upon the Clerk of the said Company, or at the Office of such Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively should not be found or known, then Service upon any Agent or other Officer employed by the said Company, or left at his last

Directing  
what shall be  
deemed a  
Service of  
Notices, &c.  
on the Com-  
pany.



last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Rights of  
Magistrates  
reserved.

LXIX. 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*, or the Magistrates and Commissioners of Police of *Leith*, or the Magistrates of *North Leith*, in virtue of former Acts of Parliament, Royal Charters, immemorial Usages, or otherwise.

Rights of  
Commissioners of  
Police not  
to be af-  
fected.

LXX. Provided always, and be it further enacted, That nothing in this Act contained shall in any way affect, injure, or interfere with the Rights possessed by the said Commissioners appointed by the before recited Acts for cleansing and lighting the Streets of the said Towns of *South* and *North Leith*, *Coalhill*, and *Citadel*, Territory of *Saint Anthony's* and *Yard Heads*, and for supplying the several Parts thereof with Fresh Water, and for the better regulating the Police thereof, or the Rights of any private Person or Persons to make, enlarge, repair, or amend any Vault under any Street or Road within the Bounds comprehended under this Act 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 Company: Provided also, that nothing herein contained shall prevent 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.

LXXI. 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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