ANNO TERTIO

VICTORIÆ REGINÆ.

Cap. xii.

An Act for the better lighting with Gas the City of *Edinburgh* and Town of *Leith*, and Places adjacent, and for other Purposes relating thereto. [23d *March* 1840.]

WHEREAS the City of *Edinburgh* and Town of *Leith*, and Places adjacent thereto, are large and populous, and it would be of great Advantage to the Citizens and Inhabitants thereof, and to the Public at large, if the Streets, Squares, Passages, and Places, and the Houses, Shops, and Manufactories therein, and the Roads and Approaches thereto, were better lighted and supplied with Gas: And whereas the several Persons hereinafter named are willing and desirous, at their own Costs and Charges, to effect the Purposes aforesaid; but the same cannot be carried fully and completely into execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Adam Anderson*, Merchant, *John Anderson* junior, Bookseller, *Peter Anderson*, Writer to the Signet, *Thomas Liddell Abernethy*, Woollen Draper, *John Aitchison*, Brewer, *John Alexander*, Surgeon, *Richard Alexander*, Wine Merchant, *Hugh Auld*, Banker, *Isaac Bayley*, Solicitor, Supreme Courts, *Joseph Baird*, Merchant, *Henry Banks*, Clothier, *James Baxter*, Glazier, *George Hamilton Bell*, Doctor of Medicine, *John Bell* junior, Writer to the Signet,

Proprietors incorporated.

Signet, *Alexander Berwick* junior, Brewer, *Adam Black*, Bookseller, *James Blackwood*, Writer to the Signet, *George Bookless*, Glazier, *Robert Bryson*, Watchmaker, *Philip Cadell*, Paper Maker, *Robert Caldwell*, Builder, *William Casey*, Silk Spinner, *James Auchinleck Cheyne* of *Kilmarone*, *Robert Clark*, Wholesale Hosier, *John Clark*, Convener of the Trades of *Edinburgh*, *James Cochrane*, Brass Founder, *George Crosbie*, Banker, *Robert Dobson*, Builder, *Walter Douglas*, Hotel Keeper, Sir *Francis Walker Drummond*, Baronet, *Thomas Duncan*, *Great King Street*, *John Duncan*, Druggist, *Gilbert Laurie Finlay*, Writer to the Signet, *John Ford*, Glass Manufacturer, the Right Honourable Sir *James Forrest* of *Comieston*, Baronet, Lord Provost of the City of *Edinburgh*, *James Gardner*, Doctor of Medicine, Sir *Alexander Maitland Gibson*, Baronet, *Andrew Girvan*, Accountant, *John Black Gracie*, Writer to the Signet, *Patrick Graham*, Writer to the Signet, *George Grant*, Advocate, *Andrew Grieve*, Writer to the Signet, *Eagle Henderson*, Seed Merchant, *James Hill*, Merchant, *William Home*, Writer to the Signet, *Francis Howden*, Jeweller, *Thomas Henderson* of *Press*, *John Jardine*, Advocate, *Alexander Jamieson*, Merchant, *William Johnston*, Engraver, *Thomas Johnstone*, Solicitor, Supreme Courts, the Reverend *Philip Kelland*, Professor of Mathematics, *John Learmonth* of *Dean*, *Maurice Lothian*, Solicitor, Supreme Courts, *Alexander Low*, Accountant, *Charles Lawson*, Seedsman, *William Marshall*, Jeweller, *Andrew Melrose*, Merchant, *Andrew Millar*, Merchant, *John Millar* of *Stewartfield*, *John Moir*, Doctor of Medicine, *Joseph M'Gregor*, Accountant, *Sutherland Mackenzie*, Manager of *Scottish* Union Insurance Company, *Duncan M'Laren*, Merchant, *William Napier*, Writer to the Signet, *William Nichol*, Lithographer, *Thomas Paris*, Builder, *Robert Paterson*, Music Seller, *Andrew Paton*, Saddler, *John Raimes*, Merchant, *James Ramsay*, Hosier, *Robert Renton*, Doctor of Medicine, *Ralph Richardson*, Tobacconist, *John Robertson*, Music Seller, *William Richardson*, Seedsman, *John Sanderson*, Lapidary, *Patrick Shaw*, Advocate, *James Smith*, Architect, *William Tait*, Bookseller, *Archibald Thomson*, Merchant, *James Weddell*, Hosier, *Andrew Wilkie*, Silversmith, *John Wood*, Manager of *Hercules* Insurance Company, *Alexander Wright*, Seedsman, *William Whitehead*, Hosier, all of the City of *Edinburgh*; and *William Allen*, Merchant, *Robert Allardice*, Bookseller, *William Alexander*, Wine Merchant, *James S. Combe*, Doctor of Medicine, *John Hutton*, Rope Manufacturer, *Henry Johnstone*, Banker, *James Ker*, Banker, *Robert Liddle*, Merchant, *Robert Lewins*, Doctor of Medicine, *Robert Mowbray*, Merchant, *John Macfie*, Sugar Refiner, *John Mackie*, Wine Merchant, *James Reoch*, Provost of *Leith*, *Alexander Schultze*, Sugar Refiner, *George Sharp*, Silk Mercer, *John Veitch* of *Woodside*, *Alexander Watson*, Wine Merchant, *James Wyld* of *Gilston*, *Adam White* of *Fens*, late Provost of *Leith*, all of the Town of *Leith*; and all and every such other Persons, and Bodies Politic, Corporate, or Collegiate, as have already become Subscribers, or from Time to Time shall subscribe and be duly admitted Members into the Company hereinafter incorporated, and their respective Successors, Executors, Administrators, and Assignees, shall be and they are hereby declared to be One Body Politic and Corporate, by the Name of "The *Edinburgh* and *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, plead and be impleaded at Law and in Equity.

Purposes of the Company.

II. And be it enacted, That the said Company shall be established for the Purpose of producing inflammable Air or Gas from Coal or other Substances, and for lighting and supplying with Gas all Persons, and all public Places, Roads, Streets, Ways, Lanes, Passages, and Buildings, and also all Private Houses, Shops, Manufactories, Properties, and Buildings within the said City of *Edinburgh*, and Town of *Leith* and Places adjacent thereto, in the Parishes of *High Church*, *Old Church*, *Tolbooth Church*, *New North Church*, *Tron Church*, *Old Greyfriars*, *New Greyfriars*, *Lady Yesters*, *Saint George's*, *Saint Andrew's*, *Saint Mary's*, *Trinity College Church*, *Saint Stephen's*, *Greenside*, *Canongate*, *Saint Cuthbert's*, *South Leith*, *North Leith*, *Duddingston*, *Libberton*, and *Cramond*, and County of *Edinburgh*; and also for disposing of all and every Product, Refuse, or Residuum to be obtained from the Materials used for the Manufacture of Gas, in such Manner as the said Company may think proper; and shall have full Power to purchase, of and from any Person, Body Politic, Corporate, or Collegiate whomsoever, Lands, Tenements, or Heritages, to hold to them and their Successors or Assignees, for the Use of the said Undertaking, but for no other Use or Purpose.

Power to purchase Lands, &c.

Capital Stock.

III. And be it enacted, That it shall be lawful for the said Company to raise amongst themselves, including the Money already subscribed, a Sum of Money by way of Capital or Joint Stock, to be applied in establishing and carrying on the said Undertaking and the Purposes aforesaid, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds.

Powers not to be exercised till 75,000*l.* is subscribed.

IV. And be it enacted, That the said Company shall not be entitled to exercise any of the Powers granted under this Act until the Sum of Seventy-five thousand Pounds shall have been subscribed towards the Purposes thereof, including any Sum already subscribed.

Stock to be divided into Shares of 25*l.* each.

V. And be it enacted, That the said Sum of One hundred and fifty thousand Pounds shall be divided into Shares of not less than Twenty-five Pounds each; and every Proprietor of Shares shall be entitled to and interested in the Capital Stock and Effects of the said Company, and the Profits and Advantages attending the same, according to the Number of Shares which he shall hold.

Shares to be deemed Personal Estate.

VI. And be it enacted, That all Shares in the said Undertaking, and in the Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and shall be transmissible accordingly.

Power to raise Money by Loan.

VII. And be it enacted, That in case the Directors of the said Company shall be desirous of raising by Loan any Sum of Money which may be necessary for the Purposes of this Act, it shall be lawful for the said Directors, by an Order to be made at any General or Special General Meeting of the said Company, to borrow and take up at Interest, for the Use of the said Company, any Sum of Money they may

may think necessary, not exceeding in the whole One Third of the Capital Stock of the Company actually subscribed at the Time; and thereupon, by Writing under their Common Seal, to secure or assign all or any Part of the Property and Effects of the said Company to the Person, or Body Politic, Corporate, or Collegiate, who shall lend or advance any such Money, or to the Trustees or Assignees of such Person or Body, as a Security for the Principal Money to be advanced, together with lawful Interest for the same; and the Charges and Expences of such Security or Assignment shall be from Time to Time defrayed by the said Company out of the Monies so borrowed; and every such Security or Assignment shall truly state the Consideration for which the same shall be made, and shall be duly stamped, and may be in the Words or to the Effect following; (that is to say,)

Form of Assignment.

'WE, the *Edinburgh* and *Leith* Gas Light Company, acting in
' pursuance of an Act passed in the Third Year of the Reign
' of Her Majesty Queen *Victoria*, intituled [*here set forth the Title*
' *of this Act*], in consideration of the Sum of
' advanced and lent to the said Company by
' of do hereby grant and assign unto the said
' [*or* his Trustee *or* Assignee, *as the Case may be*,]
' his Executors, Administrators, or Assignees, the Property and
' Effects belonging to the said Company, to be had and holden from
' the Day of the Date hereof until the said Sum of
' , with Interest after the Rate of *per Centum per*
' *Annum* for the same, shall be fully paid and satisfied. In witness
' whereof we the said Company have hereunto set our Common
' Seal the Day of in the Year of our
' Lord .'

And every such Security or Assignment shall be good, valid, and effectual in the Law, and shall entitle the Person or Body to whom the same shall be made, and the Executors, Administrators, or Assignees of such Person or Body, to the Payment thereof, and to all Profits and Advantages thereof, according to the Form of Words of such Security or Assignment, and the true Intent and Meaning of this Act; and a Copy of every such Security or Assignment shall be entered in the Books of the said Company.

Cash Credit may be opened with Bankers.

VIII. And be it enacted, That in case any Person, or Body Politic or Corporate, or Banking Company, shall agree to allow to the said Company hereby incorporated, upon the Security of the Property and Effects belonging to the said Company, a Credit to the Extent of the Sum of Twenty-five thousand Pounds, or any Part of such Sum, on a Cash Account according to the Usage of Bankers in *Scotland*, to be operated upon by the Clerk or Treasurer or other Officer of the Company, as may be directed from Time to Time, by Drafts, as is usual in such Cases, it shall be lawful for the Directors of the said Company, by an Order to be made at any General or Special General Meeting of the said Company, to accept of such Credit; and thereupon the said Directors are hereby empowered to sign a Minute or an Agreement to that Effect, and to mortgage, assign, and convey, by Instrument in Writing duly stamped, the Property and Effects of the

the said Company, and the Rates and other Sums arising or to arise by virtue of this Act, or any Part thereof, as a Security for the Sums due from Time to Time under such Cash Credit, and the Interest thereof, to such Person, Body, or Banking Company: Provided always, that the total Sum due and owing by the said Company at any one Time for Money borrowed as herein-before authorized, and also upon such Cash Account, shall never together exceed One Third of the Capital Stock of the Company actually subscribed at the Time.

Power of transferring Assignments in a prescribed Form.

IX. And be it enacted, That it shall be lawful for the several Persons, and Bodies Politic, Corporate, and Collegiate, entitled to any of such Securities or Assignments, and the respective Executors, Administrators, or Assignees of such Persons or Bodies, as the Case may be, at any Time, by Writing under the respective Hands of such Persons and the Common Seal of such Body, to transfer the same to any Person, or Body Politic, Corporate, or Collegiate whomsoever; and every such Transfer shall truly state the Consideration for which the same shall be made, and shall be duly stamped, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

'I *A. B.*, being entitled to the Sum of under or by virtue of a Security or Assignment bearing Date the Day of under the Common Seal of the *Edinburgh* and *Leith* Gas Light Company, in pursuance of an Act passed in the Third Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], do hereby assign and transfer all my Right and Interest in and to the same, and to the Property and Effects assigned to me for securing the same, unto of , his Executors, Administrators, or Assignees. Dated the Day of in the Year of our Lord .'

Transfers to be entered by the Clerk.

And every such Transfer shall be produced to the Clerk of the said Company, who shall cause a true Copy thereof to be entered in the Books of the said Company; to which Book any Party interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the entering of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence and no more; and every such Transfer, after the entering thereof as aforesaid, shall entitle the Person or Body to whom such Transfer shall be made, and the Executors, Administrators, and Assignees of such Person or Body, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment thereof.

Lands, &c, of the Company answerable for their Debts.

X. And be it enacted, That the Lands, Tenements, Heritages, and Manufactories, Gasometers, Machinery, Apparatus, and Works, Goods, and Effects of the said Company, shall be answerable for and subject to the just Debts, Liabilities, Engagements, and Demands of all and every the Creditors of the said Company.

No Person answerable for more

XI. And be it enacted, That nothing herein contained shall extend to charge or make liable any Proprietor of the Stock of the said Company

than their respective Stock.

Company, or his Real or Personal Estate, with any Debt or Demand whatever due or to become due from the said Company, beyond the Extent of such Proprietor's Capital Stock or Share in the Stock of the said Company, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

To compel Payment of Subscriptions.

XII. And be it enacted, That the several Subscribers for Shares in the said Undertaking, and all Persons, and Bodies Politic, Corporate, or Collegiate, who shall at any Time hereafter have or hold any Share in the same, shall and they are hereby required to pay such Parts or Proportions of the Sums of Money subscribed for by them respectively, or by their Predecessors or Authors, as shall from Time to Time be called for pursuant to the Powers of and Directions contained in this Act, at such Times and Places, to such Person, and in such Manner as shall be ordered and directed by the Directors of the said Company; and in case any such Subscriber, Contributor, or Shareholder shall refuse or neglect to pay any such Sum of Money at such Times and Places and in such Manner as shall be ordered or directed as aforesaid, it shall be lawful for the said Company to sue for and recover the same from such Subscriber or Shareholder by Action of Debt or otherwise, together with lawful Interest for the same from such required or appointed Time of Payment, and all Costs of Suit attending the same.

Names of Proprietors to be entered, and Certificates of their Shares delivered to them.

XIII. And be it enacted, That the Clerk of the said Company shall cause the Names and Additions of the several Subscribers for or Holders of Shares in the said Undertaking, with the Number of such Shares, and also the proper Number by which every Share shall be distinguished, to be distinctly entered in a Book to be kept for that Purpose, and after such Entry shall cause the same to be signed by the Chairman of the said Company; and the said Directors shall cause a Certificate under the Common Seal of the said Company to be prepared and delivered to every Proprietor, upon Demand, specifying the Shares to which such Proprietor is entitled in the said Undertaking; and such Certificate shall be admitted in all Courts and Proceedings whatsoever as Evidence of the Title of such Proprietor, his Executors, Administrators, or Assignees, to the Shares therein specified; but the Want of such Certificate shall not prevent the Owners from selling or disposing of their respective Shares; and in case any such Certificate shall not be produced or forthcoming, the Entry in such Books as aforesaid, or a true Copy thereof, certified by the Clerk to the said Company, shall be deemed *primâ facie* Evidence of Title; and the said Certificate may be in the Words or to the Effect following; (that is to say,)

Edinburgh and *Leith* Gas Light Company.

Form of Certificate.

‘ Number

‘ THESE are to certify, That of
‘ , is a Proprietor of the Share Number
‘ of the Capital or Joint Stock of the *Edinburgh* and
‘ *Leith* Gas Light Company, subject to the Rules, Regulations, and
‘ Orders of the said Company; and that the said
his

' his Executors, Administrators, or Assignees, are entitled to such ' Proportion of the Profits and Advantages arising or to arise to ' the said Company as shall belong to such Share. Given under ' the Common Seal of the said Company, the Day ' of in the Year of our Lord .'

Directors appointed till first Meeting of Proprietors.

XIV. And be it enacted, That *Thomas Liddell Abernethy*, Merchant, *Richard Alexander*, Wine Merchant, *John Anderson* junior, Bookseller, the Right Honourable Sir *James Forrest* of *Comieston*, Baronet, Lord Provost of the City of *Edinburgh*, *George Grant*, Advocate, *James Hill*, Merchant, *Eagle Henderson*, Seedsman, *William Johnstone*, Engraver, *John Jardine*, Advocate, *Alexander Jamieson*, Merchant, *John Learmonth* of *Dean*, *Andrew Millar*, Merchant, *Ralph Richardson*, Tobacconist, *James Smith*, Architect, and *William Tait*, Bookseller, all of the City of *Edinburgh*, shall be and they are hereby constituted and appointed the Directors for managing the Affairs and Business of the said Company, and shall continue in Office until the First General Meeting of Proprietors to be held as hereinafter mentioned, and until others shall be appointed in their Stead, in pursuance of this Act; and the said Right Honourable Sir *James Forrest*, Baronet, shall be Chairman, and the said *John Learmonth* shall be Deputy Chairman of the said Company and of the said Directors until others shall be elected in their Stead.

General Meetings to be holden.

Annual Appointment and Qualification of Directors.

XV. And be it enacted, That on the Second *Monday* in *July* One thousand eight hundred and forty-one, and on the Second *Monday* of *July* annually thereafter, a General Meeting of the Company shall be holden in the City of *Edinburgh*, between the Hours of Eleven of the Clock in the Forenoon and Four of the Clock Afternoon (of which Eight Days Notice shall be given in some Three Newspapers published in the City of *Edinburgh*, or by Letters sent through the Post Office, addressed by the Clerk of the Company to each of the said Proprietors at their usual Residences); and at the said General Meeting to be holden on the Second *Monday* of *July* in the Year One thousand eight hundred and forty-one the Three Directors at the Head of the List of Directors in the Order before named shall go out of Office, and Three Directors shall be elected in their Stead, and be added to the Bottom of the said List of Directors, and so on, upon the Second *Monday* of *July* in every Year thereafter, the Three Directors at the Head of the List shall go out of Office, and Three Directors shall be chosen in their Room; declaring, nevertheless, that the Directors so retiring, or any One or more of them, may be immediately re-elected, if otherwise duly qualified; but no Person shall be qualified to act as a Director of the said Company who shall not be possessed of Ten Shares at least of the Stock of the said Company; and no Person shall be eligible to serve or shall act as a Director who shall hold any Office or Place of Profit under the said Company in the said Undertaking.

Chairman and Deputy Chairman to be chosen.

XVI. And be it 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

and another of their Number to be Deputy Chairman of the said Company and Directors.

Meetings of the Proprietors may be specially called.

XVII. And be it enacted, That any Fifteen or more Proprietors of the said Company, holding in the aggregate Six hundred Shares or upwards in the said Undertaking, may at any Time, by Writing under their Hands left at the Office of the said Company, or given to any Director of the said Company, or left at his last or usual Place of Abode, require the Directors to call a Special General Meeting of the said Company, provided such Requisition shall fully express the Objects for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Fourteen Days after such Notice given as aforesaid, the same may be called by any Fifteen or more Proprietors, by giving Fourteen Days Notice thereof in some Three or more Newspapers published in the City of *Edinburgh*; and the said Company are hereby authorized to meet in pursuance of such Notice, and such Proprietors as shall be present, provided they be Holders of Shares to the Amount after specified, shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified only; and all such Acts of the Proprietors at every such Special General Meeting shall be valid and effectual to all Intents and Purposes with respect to the Matters specified in such Notice.

As to the Proceedings at Special General Meetings.

XVIII. And be it enacted, That at all Special Meetings of the said Company the Proprietors then present, being possessed of Six hundred Shares at least in the said Undertaking, shall and may proceed to Business, and act in the Execution of the several Powers hereby given to the said Company; and if it shall happen that there shall not appear at any Special Meetings Proprietors holding the Number of Shares aforesaid, then and so often as the Case may happen such Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, at the same Place and Hour as the same ought to have been held as aforesaid, but no Business shall be transacted at any Special General Meeting of the said Company 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.

Meetings may be adjourned. Who shall preside at Meetings.

XIX. And be it enacted, That all Meetings of the said Company may be adjourned to such Time and Place as the Meeting shall think fit; and at every Meeting under this Act the Chairman of the said Company, and in the Absence of the Chairman the Deputy Chairman of the said Company, and in the Absence of both the Chairman and Deputy Chairman some one of the said Proprietors to be appointed by the Meeting, shall be Chairman thereof; and the Chairman of every Meeting shall, besides his own Vote, have a casting Vote in case of Equality of Votes; and at every Meeting all Questions, Matters, or Things shall be determined by the Majority of Votes.

XX. And

Company to appoint a Treasurer.

XX. And be it enacted, That the said Company at some General Meeting shall appoint a Treasurer for transacting the pecuniary Business of the said Company; and it shall be lawful for the said Company to remove such Treasurer or any other Person who shall be appointed in his Stead, and also from Time to Time to appoint any other Person to act as Treasurer of the said Company in the Room of such as shall happen to die, or resign, or be removed from their respective Offices: Provided always, that the said Directors shall and they are hereby required to take Security from every Person who shall be appointed Treasurer of the said Company for the faithful Execution of his Office before he shall enter thereupon.

Proprietors to vote according to the Number of their Shares.

XXI. And be it enacted, That the Proprietors of Shares in the said Company shall at all Meetings of the said Company have a Right to vote as follows: Every Proprietor holding One Share shall have One Vote, and a Vote additional for every other Share held by him; but no Proprietor shall be entitled to vote in respect of any Share after the Day appointed for Payment of any Instalment or Call to be made or called for as hereinafter is mentioned, until such Instalment or Call shall have been paid; and no Person shall vote at any Meeting upon any Question relating to the Concerns of the said Undertaking in which such Person shall be in anywise interested other than as a Proprietor in the said Undertaking.

Respecting joint Shares, the Person whose Name stands first shall be deemed the Owner.

XXII. And be it enacted, That when any of the said Shares shall be jointly possessed by or be the Property of more than One Person, the Proprietor whose Name shall stand first in Order on the Register Books of the said Company shall, for all the Purposes of the said Company, be deemed the Proprietor of such Shares; and all Notices required to be given to the respective Proprietors of Shares in the said Undertaking shall and may be given to or served upon the Person whose Name shall so stand first in Order in the said Register Books of the said Company; and such Service shall be deemed to be Service upon all the Proprietors of such Shares, and such Person shall be entitled to vote for any of the Purposes of this Act in respect thereof.

Empowering Proprietors of Shares to vote by Proxy.

XXIII. And be it enacted, That every Proprietor of Shares in the said Undertaking entitled to vote in respect of such Shares at any Meeting of the said Company shall have full Power and Authority to give his Vote either in Person or by Proxy, every such Proxy being a Proprietor of Shares in the said Company; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say,)

Form of Proxy.

'I *A. B.* of , One of the Proprietors in the *Edinburgh* and *Leith* Gas Light Company, do hereby nominate, constitute, and appoint *C. D.* of to be my Proxy, in my Name and in my Stead to vote or give my Assent to or Dissent from any Business, Matter, or Thing relating to the Undertaking, that shall be mentioned or proposed at the Meeting of the said Company to be holden on the Day of or any Adjournment thereof, if I shall not be present,

'present, in such Manner as he the said *C. D.* shall think proper, 'according to his Opinion and Judgment, for the Benefit of the said 'Undertaking or any thing relating thereto. In witness whereof 'I have hereunto set my Hand the Day 'of .'

Provided always, that such Proxy be lodged with the Clerk to the said Company Forty-eight Hours before the Time appointed for holding the Meeting at which the same is intended to be used.

Lunatics and Minors, who to act for them.

XXIV. And be it enacted, That in case any of the said Proprietors entitled to vote as aforesaid shall be fatuous or furious, or a Lunatic or Minor, such Lunatic may vote by any One of his Curators or Committee, and such Minor may vote by One of his Tutors, Curators, or Guardians.

Notices of Meetings, how to be given.

XXV. And be it enacted, That all Notices herein directed to be given of any General or Special Meetings of Adjournments respectively, to any of the said Proprietors, upon any Occasion not herein otherwise provided for, shall be given by Advertisement inserted in some Three Newspapers published in the said City of *Edinburgh*, or by Letter sent to each of the said Proprietors through the Post Office there.

Meetings of Directors, and Regulations for their Proceedings.

XXVI. And be it enacted, That the Directors to be from Time to Time appointed as aforesaid, or any Five or more of them, shall hold their Meetings at such Time and at such Place within the said City of *Edinburgh* or Town of *Leith* as a Majority of them shall from Time to Time approve; and at all Meetings of the Directors the Chairman, and in his Absence the Deputy Chairman, and in the Absence of both the Chairman and Deputy Chairman some other Director, to be appointed by the Directors present, shall preside; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by the Majority in Number of the Members present, and in case of there being upon any Question an equal Number of Votes, including the Vote of the Preses for the Time being, such Preses shall have an additional or casting Vote; and if on the Day appointed for any Meeting of the said Directors Five Directors shall not attend, then and in such Case the Meeting shall be adjourned to the next Day, not being a *Sunday*, and if the next Day shall be a *Sunday*, then to the *Monday* following, by the Directors then present, or if none be present, then by the Clerk to the said Company, or such other Person as shall attend in his Place; and any One or more of the said Directors, or the Clerk of the said Company by the Direction of any One or more of them, may at any Time call a Meeting of the Directors, by causing a written or printed Notice signed by such Director or Directors, or by the Clerk of the said Company, to be sent by the Post or otherwise to the Residence or Address of every other Director.

Directors interested not to vote.

XXVII. And be it enacted, That if any Proprietor who shall be elected a Director as aforesaid shall be or become a Dealer, either

directly or indirectly, in any Article to be used or provided by the said Company, or shall offer to take or shall take or participate in any Work to be done for the said Company, every such Proprietor shall be disqualified to vote in any Matters or Questions to be discussed by the said Directors wherein he shall be directly or otherwise interested further than as a Proprietor.

Powers of Directors.

XXVIII. And be it enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and appoint the Time and Place for holding General Meetings of the said Company, and direct the Affairs and Business of the said Undertaking, as well in the issuing, receiving, laying out, and disposing of all Sums of Money to be issued or received, laid out or disposed of, for the Purposes of the said Company, as in contracting for and purchasing Lands, Tenements, Heritages, Materials, Goods, and Effects for the Use of the said Company, and entering into Agreements or Contracts for supplying with Gas all Persons whomsoever, and all public Places, Roads, Streets, Ways, Lanes, Passages, and Buildings, and also all private Houses, Shops, Manufactories, Grounds, Premises, and Buildings within the several Parishes aforesaid, where Mains and Pipes shall be laid, and in selling and disposing of all Articles produced as aforesaid in manufacturing such Gas, and making, enforcing, and rescinding, compounding, and compromising all Contracts and Bargains touching or in anywise concerning the same, or concerning any Debts due to the said Company; and the said Directors shall and may appoint a Clerk, Servants, Workmen, Tradesmen, and other Officers except the Treasurer, with adequate Salaries, and from Time to Time dismiss, remove, or suspend them as they shall think fit, and take such Security to the said Company from the Clerk or other Officer or Persons employed by them for the faithful Execution of their respective Duties, as they shall think proper and adequate to the Trust.

For supplying Vacancies.

XXIX. And be it enacted, That when and so often as any of the said Directors named in this Act, or to be elected by virtue thereof, shall die, or become disqualified, or shall resign, or shall for the Space of Six Calendar Months refuse or neglect to attend the Meetings of the said Directors, it shall be lawful for the remanent Directors to elect some other Proprietor, qualified as herein-before mentioned, to be a Director in his Stead; and every such Proprietor so elected shall continue in Office as One of such Directors so long as the Person in whose Place or Stead he was elected would have been entitled to have continued if such Death, Disqualification, Refusal, or Neglect had not happened.

Directors not to be personally liable.

XXX. And be it enacted, That no Director of the said Company shall, unless otherwise specially agreed upon, be personally answerable for the Performance of any Contract or Agreement into which he shall enter as such Director on behalf of the said Company, but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the Directors of the said Company shall have full Power to resort to and proceed to exercise all the Privileges by

by this Act given for Proceedings against the said Company, for the Performance of every such Contract or Agreement, or for Damages occasioned by any Breach or Non-performance thereof.

Accounts to be kept of Receipts and Disbursements.

XXXI. And be it enacted, That the said Company shall and they are hereby required from Time to Time to order and direct Books to be kept, in which shall be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and all such Books shall at all seasonable Hours during Thirty Days after every Annual General Meeting be open to the Inspection of the Proprietors of Shares in the said Company, and to all Persons respectively possessing or entitled to any Security affecting or charged upon the Estate and Effects, Rents and Profits of the said Company by virtue of this Act, who may take Copies thereof or Extracts therefrom, without Fee or Reward.

Officers to account.

XXXII. And be it enacted, That all Officers appointed under this Act shall from Time to Time, when thereunto required, deliver to the Directors, or to such Person as they shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they or any of them respectively shall have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Directors, or to such Person as they shall appoint to receive the same.

Clerk and Treasurer not to be the same Person.

XXXIII. And be it enacted, That it shall not be lawful to appoint the Person who may be appointed Clerk, or the Partner of any such Clerk, or any Person in the Employ of any such Clerk or of his Partner, 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, or the Clerk or other Person in the Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act, and if any Person shall accept both the Offices of Clerk and Treasurer, or if any Person, being the Partner or in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Treasurer or Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt, and shall for ever be disqualified from holding any Office or Place under the said Company.

Treasurer not to issue Money

XXXIV. And be it enacted, That the Treasurer to be appointed by the said Company shall not issue any Sum of Money on their Account without

without an Order in Writing signed by some Two or more of the Directors of the said Company, or by the Chairman of any Meeting of the said Company, whereat such Money was directed to be paid; and the Receipts of such Treasurer for all Monies payable to the said Company shall be effectual Discharges for the same.

without an Order duly signed.

XXXV. And be it enacted, That all Orders and Proceedings of the said Company, and also of the said Directors, made at any Meeting of the said Company and Directors respectively, shall be entered in a Book to be kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings so entered and signed shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and Places whatsoever.

Proceedings to be entered in Books.

XXXVI. And be it enacted, That the said Directors shall have full Power to make such Calls for Money from the several Persons, and Bodies Politic, Corporate, and Collegiate, who are or shall hereafter become Proprietors of or Subscribers for any Shares of the said Company, and the Executors, Administrators, Successors, or Assignees of such Persons and Bodies, so that no One such Call exceeds the Sum of Seven Pounds Ten Shillings for or in respect of any One Share, and so that no Call be made but at the Distance of One Calendar Month at least from another; and the Sums of Money so to be called for shall be paid into the Hands of the Treasurer to the said Company, and shall be paid at such Time and Place as shall be appointed, of which Time and Place Thirty Days Notice at least shall be given by Letters signed by the Treasurer or Clerk of the Company, addressed to the said Proprietors or Subscribers at their usual Residences through the Post Office.

Directors may make Calls on Subscribers.

XXXVII. And be it enacted, That if any such Proprietor or Subscriber of or to the said Undertaking, or the Executors, Administrators, Successors, or Assignees of such Proprietor or Subscriber, shall neglect or refuse to pay his Portion of the Money to be called for as aforesaid, by the Time appointed for Payment thereof, or within Fourteen Days next thereafter, then and in such Case such Proprietor or Subscriber, or their foresaids, so neglecting or refusing, shall (whether the same shall have been then sued for in any Court of Justice or not) absolutely forfeit all his said Share and Interest in the said Undertaking, and all Money theretofore advanced by him on account thereof, to and for the Use and Benefit of the said Company, unless otherwise determined by a Special General Meeting; and all Shares which shall be so forfeited shall be sold at a public Sale to the highest Bidder: Provided always, that no Advantage shall be taken of such Forfeiture until after Thirty Days Notice in Writing shall have been given to such Proprietor or Subscriber or his foresaids, by Letter addressed to him through the Post Office at his usual Residence; and every such Forfeiture shall be an absolute Indemnification and Discharge to and for Proprietors and Subscribers, and their Executors, Administrators, Successors, and Assignees, so forfeiting, against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls: Provided also, that it shall be in the Power of the

In default of Payment on Calls, Shares to be forfeited and sold.

Notice of Forfeiture to be given previous to Sale.

Directors of the said Company to repone the Proprietor or Subscriber so forfeiting, upon Payment of the Amount due by him, with Ten *per Cent.* additional in Name of Penalty, at any Time before the Sale of the Shares forfeited.

If the Purchase Money of such Shares shall be more than sufficient to pay the Arrears of Call, and Interest and Expences thereon, the Surplus to be paid to the Owner on Demand.

XXXVIII. And be it enacted, That in case the Money produced by the Sale of any such Shares shall be more than sufficient to pay all Arrears of Call thereon, and lawful Interest thereon, with the Expences attending such Sale, the Surplus of such Money shall be paid, on Demand, to the Person or Body to whom such Shares shall have belonged; but the said Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulters than shall be sufficient, as near as may be, at the Time of such Call, to pay the Arrears due from such Defaulters for or on account of such Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Shares so forfeited as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Persons or Bodies to whom such Shares shall have belonged immediately before any such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Shares may be transferred.

XXXIX. And be it enacted, That it shall be lawful for the said several Proprietors to sell and transfer any Shares of which they shall respectively be possessed; and every such Transfer shall truly state the Consideration for which the same shall be made, and shall be duly stamped, and may be in the Form or to the Effect following; (that is to say,)

Form of Transfer.

'I [*or* We] of in consideration of paid to me [*or* us] by do hereby bargain, sell, assign, and transfer to the said Share [*or* Shares, *as the Case may be*] in the *Edinburgh* and *Leith* Gas Light Company, [Number *or* Numbers] in the said Undertaking, to hold to the said Executors, Administrators, and Assignees, subject to the same Rules, Orders, and Restrictions, and on the same Conditions, as I [*or* we] held the same Share [*or* Shares] immediately before the Execution hereof; and I [*or* we] the said do hereby agree to take and accept the said Share [*or* Shares] subject to the said Rules, Orders, Restrictions, and Conditions. As witness our Hands this Day of in the Year of our Lord.'

Transfers to be registered.

And every such Transfer shall be produced to the Clerk of the said Company, and shall be registered by him in the Books of the said Company, for which the Sum of Two Shillings and Sixpence and no more shall be paid to the Clerk of the said Company by the Party to whom such Transfer is made, and the Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and a Copy of such Register, signed by the said Clerk, shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall be registered in the Books of the

the said Company, no Purchaser of any Share shall be deemed a Proprietor, or have any Part of the Profit of the said Undertaking or the Advantages thereof, nor shall receive any Interest or Dividends for or in respect of such Share so purchased, nor be entitled to vote at any Meeting as a Proprietor of the said Undertaking in respect of such Share.

No Share to be sold after a Call, until the Money called for is paid.

XL. And be it enacted, That after any Call for Money shall have been made by virtue of this Act no Proprietor shall sell or transfer any Share which he shall possess in the said Undertaking until the Money so called for or in respect of his Shares intended to be sold shall be paid, and until such Money so called for shall be paid every such Sale or Transfer shall be void; and all and every Proprietor making default herein shall forfeit such his Shares in the Undertaking to and for the Benefit of the said Company, unless he shall at the Time of such Sale and Transfer pay to the Treasurer of the said Company the full Sum of Money so called for upon every Share so sold or to be transferred.

Accounts to be settled.

Dividend to be declared.

XLI. And be it enacted, That the said Company, at any General Meeting specially called for the Purpose, shall have full Power from Time to Time to call for and examine all or any of the Accounts of the said Company; and at every Annual General Meeting, or some Adjournment thereof, a Dividend shall be declared out of the Interest, Profits, or Advantages of the said Undertaking (unless such Meeting shall declare otherwise); and such Dividend shall be at and after the Rate of such a Sum *per Centum* upon or for every Share in the said Undertaking as such Meeting shall think fit to order and determine, but no Dividend shall be made whereby the Capital of the said Company shall be reduced, nor shall any Dividend be paid in respect of any Shares until all Calls for Money then made in respect thereof by virtue of this Act shall have been paid.

Power to contract for the Purchase of Lands and Buildings.

XLII. And be it enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time to contract and agree for the absolute Purchase of and to hold such Buildings, Works, Mains, Pipes, and Apparatus, Lands, Tenements, and Heritages, as they may think requisite for any of the Purposes of this Act, not exceeding in the whole at any one Time any greater Quantity of Land than Twelve Statute Acres; and also from Time to Time to sell and dispose of such Buildings, Works, Mains, Pipes, and Apparatus, Lands, Tenements, and Heritages, and again to purchase and hold other Buildings, Works, Mains, Pipes, and Apparatus, and Lands, Tenements, and Heritages, as they shall think proper, not exceeding the Quantity aforesaid, without incurring or being subject or liable to any Penalty or Forfeiture whatsoever.

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

XLIII. And be it enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person 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

which shall be necessary for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company; 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 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*.

Application of Compensation when exceeding 200*l.*

XLIV. And be it enacted, That if any Money shall be contracted or agreed to be paid for any Lands, Tenements, or Heritages purchased by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person under any Disability or Incapacity, such Money shall, in case the Sum shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, the Bank of the *British* Linen Company of *Scotland*, the Commercial Bank of *Scotland*, or the National Bank of *Scotland*; 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 who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Heritages which shall be so purchased as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person 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.*

XLV. And be it enacted, That if any Money so contracted or agreed to be paid for any Lands, Tenements, or Heritages purchased 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 for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, or of his 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 to be placed to his Account 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 making such Option, and approved of by Three or more of the Directors of the said Company, (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 hereinbefore directed, so far as the Case may be applicable.

When less than 20*l.*

XLVI. And be it enacted, That where such Money so contracted or agreed 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 who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased for the Purposes of this Act, in such Manner as the said Directors or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his Tutors or Curators, to and for the Use and Benefit of such Person so entitled respectively.

In case of doubtful Title, the Persons in possession to be deemed entitled.

XLVII. And be it enacted, That where any Question shall arise touching the Title to any Money to be paid into the said Banks in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person 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, 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 appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Court may order Payment of Expences.

XLVIII. And be it enacted, That where, by reason of any Disability or Incapacity of the Party entitled to any Lands or other Heritages to be purchased or used for the Purposes of this Act, the Purchase or Compensation Money for the same shall require to be paid into any of the said Banks, or to be applied in the Purchase of other Lands, in pursuance of this Act, it shall be lawful for the said Court of

of Session to order the Costs, Charges, and Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof, and of the Payment into the said Banks of the said Purchase or Compensation Money, and of the Reinvestment of the said Purchase or Compensation Money in Land or other Disposition of the same, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Payment of the Principal of the same, out of the said Banks, to be paid by the said Company, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

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

XLIX. And be it enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered (subject to the Provisions and Restrictions herein mentioned), from Time to Time to make and erect such Retort Houses, Warehouses, Cellars, Retorts, Gasholders, 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 to break up the Soil, Pitchings, Causeways, Kirbstones, and Side Pavements of any Streets, Squares, Highways, Roads, Bridges, Ways, Footpaths, Lanes, Closes, Vennals, Courts, Passages, and Places within the several Parishes aforesaid, and therein to dig and sink Trenches and Drains, and lay Main and other Pipes, and put Stop Cocks, Syphons, Water Traps, Plugs, or Branches from such Pipes, in, under, across, and along such Streets, Squares, and others aforesaid, and in such Manner as they shall deem necessary for the Purpose of carrying this Act into execution, or supplying any such Light as aforesaid, and to erect any Posts, Pillars, Pilasters, Lamp Irons, Lamps, and other Apparatus in any such Streets, Squares, and others aforesaid, or any of them, and against or on any Wall erected on or adjoining to them or any of them, and from Time to Time to alter the Position of, and to repair, relay, and maintain, enlarge, or add to, such Main and other Pipes, Stop Cocks, Syphons, and Plugs or Branches, and also to carry, fit up, and furnish any Pipes, Cocks, or Branches, or other necessary Apparatus, from any Main or Pipe laid in any such Streets, Squares, and others aforesaid, by the said Company, by virtue of this Act, into any Dwelling House, Shops, Manufactories, public or private Buildings, Grounds, Places, or Premises, 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 by the said Company, for securing to any Dwelling House, Shops, Manufactories, public or private Buildings, Grounds, Places, or Premises, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply; and also to alter, 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, Shops, Manufactories, public or private Buildings, Grounds, Places, or Premises, and to do all such other Acts,

Matters, and Things of the same or the like Nature as shall from Time to Time by the said Company be found 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 all the said Operations shall be carried on so as to do as little Damage as possible, and that a proper Compensation be made by the said Company for any Damage to be done thereby, as the same shall be ascertained by the Sheriff of *Edinburgh* for the Time: And provided also, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company to carry or lay any Pipes, Cocks, or Branches from any Main or Pipe against any Dwelling House, Shops, Manufactories, public or private Buildings, or to continue the same when so carried or laid, without the Consent of the Owners and Occupiers for the Time being of such Dwelling House, Shops, Manufactories, public or private Buildings: And provided further, that in case the Trustees or other Persons having the Control or Management of any Road or Street shall be desirous of altering the Levels of such Street or Road, or of carrying on any other Operation thereon whereby it may become necessary to take up and re-lay the Pipes of the said Company, the said Company shall, at their own Expence, when required by the said Trustees or Persons, take up and re-lay the same.

A Pipe may be carried across the Water or Harbour of Leith.

L. And be it 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, either across the Bed of the Water or River of *Leith*, or the Harbour thereof, or along any Bridge, not being a Drawbridge, across the said Water or River of *Leith*, within the Parishes aforesaid, and to affix such Pipe thereto in such Manner as the said Company or their Directors shall consider most proper; but such Pipe 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.

Pavement not to be broken up without Notice.

LI. And be it enacted, That it shall not be lawful for the said Company to break up or open, or to cause any Part of any of the said Streets, Squares, Highways, Roads, Bridges, Ways, Footpaths, Lanes, Closes, Vennals, Courts, or other public Passages and Places to be broken up or opened, nor the Passage upon or over the same to be in any Manner obstructed, for any of the Purposes aforesaid, (save and except in Cases of sudden Escape of Gas or other Emergency requiring immediate Repair or Alteration of any Gas Pipes,) until after the said Company, or their Clerk or other Officer employed by them, and acting under their Authority, shall have first given Notice of their Intention to break up or open the same Forty-eight Hours at the least before such breaking up or opening shall commence, by Writing under his Hand to the Superintendent of Works or such other Person as may be appointed for that Purpose by the Trustees of the Middle District of Roads in the County of *Edinburgh* for all such Streets, Roads, Squares, and others aforesaid as shall be under their Charge, and to the Clerk (or if there be no Clerk) to One or more of the Commissioners, Trustees, or other Persons having the Control

Control, Direction, or Management of any other such Streets, Roads, Squares, and others aforesaid, either by giving such Notice personally to such Superintendent, Person, Clerk, Commissioners, Trustees, or other Persons aforesaid, or leaving the same at their Dwelling Houses or usual Places of Abode or Business, and specifying in such Notice the particular Place wherein and the Day when such Soil or Pavement is intended to be broken and opened.

Pavements, &c. to be broken up under the Inspection of Superintendent, &c.

LII. And be it enacted, That the Streets, Roads, or other public Passages or Places as aforesaid shall be broken up under the Inspection of the said Superintendent or other Person to be appointed for that Purpose by the said Trustees of the Middle District of Roads, or the Commissioners, Trustees, or other Persons under whose Jurisdiction, Care, or Management such Streets, Roads, Passages, and Places shall be, according to such Plan as such Superintendent or Person shall approve, if such Superintendent or Person shall, before the Expiration of the Time specified in the Notice lastly herein-before directed to be given to him, signify to the said Company, or their Agents or Servants, his Wish or Intention to prescribe a Plan upon which such Street, Road, Passage, or Place should be broken up; and in case of any Difference or Dispute between such Superintendent or Person and the said Company, or their Agents or Servants, then according to such Plan as shall be approved or ordered by the Sheriff of the said County of *Edinburgh*, who is hereby empowered to make such Order in the Premises as he shall think fit.

If Superintendent neglect to inspect, the Company may proceed without the Inspection.

LIII. And be it enacted, That in case any such Superintendent, Person, Clerk (or if there be no Clerk), such One or more of such Commissioners, Trustees, or other Persons having the Control, Direction, or Management of such Streets, Roads, Squares, and others aforesaid respectively, shall neglect or refuse to inspect or superintend any of the Works aforesaid, after being thereunto required by Notice in Writing from the said Company, or the Clerk or other Officer employed by them, given at least Forty-eight Hours before such Work shall be commenced as aforesaid, then the said Company shall be and are hereby fully authorized to do and perform the Works specified in the Notice which shall have been so given, without the Inspection of such Superintendent, Person, Clerk, Commissioners, Trustees, or other Persons as aforesaid.

Streets and Pavements to be relaid to the Satisfaction of the Trustees, &c.

LIV. And be it enacted, That the said Company shall not only be at the Expence of opening and raising the Streets, Roads, Causeways, and Foot Pavements for the Purposes aforesaid, but also of relaying and replacing the same in the most careful and substantial Manner, by Workmanship and Materials not inferior to the rest of the Streets, Causeways, or Foot Pavements adjoining those so opened and raised, the said Company removing all Rubbish, and furnishing a sufficient Quantity of fine Sea Gravel for binding the Pavement of the Streets so relaid, all to the Satisfaction of the said Trustees of the said Middle District of Roads as to all Streets, Roads, Squares, and others aforesaid under their Care, and of the Trustees of the other Streets, Squares, and Roads within the Limits of this Act, or their Superintendent, or of such other Persons as may be interested, as the Case may

may be: Provided always, that if any of the Pipe Tracks shall be found to subside or give way, or to be too high, after they shall have been so relaid, then and in that Case the said Company shall be bound to lift and relay the same, upon being required so to do by the Parties interested therein: And provided further, that the said Company shall make Compensation to the said Trustees for all Damage that may be done by the said Operations, as such Damage shall be ascertained, in case of Dispute, by the said Sheriff of *Edinburgh*.

Company to remove Pipes, &c. on private Property upon Notice given.

LV. And be it enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Company into or through or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, or Premises, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Warehouse, Wharf, or Premises, in pursuance of and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, or Premises into or through or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the said Pipe, Cock, or Branch shall be altered or removed and taken away, and of such their Desire shall give Notice in Writing to the said Company, then and in every such Case the said Company shall, within Three Days after Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon, from any such Main or Pipe of the said Company as aforesaid; and in default thereof it shall and may be lawful to or for such Owner or Occupier, or any other Person acting under their Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require; and the Costs and Expences of such Removal shall be recovered from the said Company as any Penalty is recoverable under this Act, if the same be not paid, on Demand, by such Company.

Marks to be inserted on Mains in the Streets.

LVI. And be it enacted, That on the upper Side of any Mains or Pipes to be laid by the said Company hereby incorporated, at a Distance not exceeding One hundred Yards along such Line of Main, and at every Turn of such Main, there shall be inserted and placed an Iron or Stone Mark to distinguish the Line of such Mains, and which Marks shall be even with the Surface of the Ground or Pavement under which such Main shall lie.

Company to pay for Superintendence of Persons to see Streets properly relaid.

LVII. And whereas the breaking up and relaying of the Roads and Streets within the Boundaries over which this Act extends must necessarily occasion a considerable additional Expence to the Trustees of the Middle District of Roads in the County of *Edinburgh*, and other Trustees and Persons in charge of the said Roads and Streets, in superintending the said Operations; be it enacted, That in order to defray the Proportion of the Expence occasioned by the Operations of the said Company they shall annually pay to the said Trustees or other Persons such Expence as shall be incurred by the said Trustees

Trustees or other Persons in the necessary Superintendence of the Operations of the said Company, and the Amount thereof, in case of Difference, shall be ascertained by the Sheriff of the County for the Time being.

Power to alter, repair, and maintain Works.

LVIII. And be it enacted, That it shall be lawful for the said Company, and they are hereby fully authorized and empowered, from Time to Time (but always after Intimation as aforesaid, where such is necessary by this Act,) to alter the Position of, and to relay, repair, and maintain, such Pipes, Stop Cocks, Syphons, Water Traps, and Plugs, or Branches from the said Pipes; and for these Purposes the said Company, their Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon all Lands and Grounds, Highways, Roads, Bridges, Passages, Streets, Squares, Lanes, Ways, Closes, Vennals, Courts, Pavements, and other Places belonging to any Persons, Bodies Politic, Corporate, or Collegiate, which the said Company shall think necessary, for conveying Gas from the Place where the same is made to any Place within the several Parishes aforesaid, and to set out such Parts thereof as shall be necessary and proper for laying the said Pipes, and for constructing the Works and other Conveniences aforesaid; and also, after Intimation in Writing as aforesaid, from Time to Time to open, scour, cleanse, repair, maintain, enlarge, contract, and alter such Pipes, Works, and Conveniences, or to make such additional Works and Conveniences as may be necessary for the Purposes aforesaid; to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay Earth, Clay, Stones, Soil, Rubbish, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things which may be dug or got in laying such Pipes, or in constructing such Works and Conveniences, or which may hinder, obstruct, or prevent the making, laying, or constructing the same, or the using, completing, enlarging, and maintaining the same; and to use, exercise, and employ all necessary Ways and Means, and to erect and set up, by themselves, their Servants, Agents, and Workmen, any Machine or other Apparatus which the said Company may deem necessary for supplying, conveying, measuring, and bringing a sufficient Supply of Gas from the Places, Buildings, and Erections where the same is made, into and through the said City and Suburbs of the City of *Edinburgh*, and Places adjacent thereto, and the said Town of *Leith*, and Places adjacent thereto, within the several Parishes aforesaid, for the Use of the Inhabitants thereof, and for the Purpose of lighting the same; and from Time to Time to repair, maintain, support, continue, and enlarge the same, according to the Tenor and true Intent and Meaning hereof; and from Time to Time to make, construct, erect, repair, and maintain Main Pipes, Rider Pipes, Head Pipes, Service Pipes, Branch Pipes of Lead and other Metals, Materials, Cocks, Chamber Cocks, Stop Cocks, Valves, Air Plugs, Syphons, Water Traps, Gas Meters, and such other Works and Devices as they shall think proper; and for all or any of the Purposes of this Act to break up and remove the Soil, Posts, Kirbs, Bulkheads, Bars, Sewers, and Drains (other than the Public or Common Sewers of the said City), Pavements, and gravelled and other Ways of any of the present or future Roads, Bridges, Streets,

Squares, Lanes, Ways, Passages, Alleys, Public Courts, Footways, Closes, Vennals, Courts, and public Places, after the Intimation aforesaid, in such Manner as they shall judge necessary for distributing and conveying such Gas to the respective Houses, Shops, Offices, Workhouses, Manufactories, public and private Buildings, and other Tenements, Grounds, Places, and Premises within the several Parishes aforesaid, and for lighting the same: Provided always, that in breaking up and removing the aforesaid Soil, Posts, Kirbs, Bulkheads, Bars, Sewers, and Drains, Pavements, gravelled and other Ways, it shall not be lawful to the said Company to break up or remove to a greater Extent than One hundred and fifty Feet in Length thereof at any One Time in One and the same Street, Road, Square, or others aforesaid, and that during the Progress of the Work such Opening shall be duly fenced, and in the Night-time that a Lamp shall be kept burning at each Extremity of the Opening or Obstruction, at the Expence of the said Company; and the aforesaid Soil, Posts, Kirbs, Bulkheads, Bars, Sewers, and Drains, Pavements, gravelled and other Ways, so broken up and removed as aforesaid, or in any way damaged by the said Company, shall in every Case, with all convenient Speed, be laid down, replaced, and amended in good Condition and Repair, at the Expence of the said Company; and from Time to Time, as Occasion may require, and after such Notice as aforesaid, it shall be lawful to the said Company, or those employed by them, to alter the Position of, and to repair, relay, and maintain, such Pipes, Stop Cocks, Air Plugs, Syphons, and Machinery, and to do all other Acts, Matters, and Things which may be by them deemed necessary or proper for making, completing, amending, repairing, and improving, and for using the Works authorized to be done for the Purposes and according to the true Intent and Meaning hereof; and further, that it shall be lawful for the said Company, or those empowered by them, in the Event of any of the said Pipes or Works of the said Company bursting or giving way, or any other Accident taking place by which Gas may escape, immediately and without any previous Notice to repair such Injury; as also, in case of the said Gas escaping by the Pipes bursting or other Accident, the said Company shall, after receiving Six Hours Notice of such Escape, be obliged to amend and repair the same, so as effectually to prevent such Gas from escaping; and the said Company making Satisfaction to the Owners and Proprietors of and all Persons interested in the Lands, Tenements, and Heritages respectively, as the same shall be ascertained by the Sheriff of *Edinburgh* for the Time, which shall sustain Injury or Damage by reason of all or any of the Powers of this Act, in case such Injury or Damage shall arise; and this Act shall be sufficient to indemnify the said Company, and their Agents, Servants, Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue hereof, subject, nevertheless, to such Provisions and Restrictions as are herein contained: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company to carry or lay any Pipes, Cocks, or Branches from any Main or Pipe, against, into, or through any Dwelling Houses, Shops, Manufactories, public or private Buildings, as aforesaid, or to continue the same when so carried or laid, without the Consent of the Owners and Occupiers for the Time being

being of such Dwelling Houses, Shops, Manufactories, public or private Buildings, as aforesaid.

Penalty on the Company if Escape of Gas be not stopped after Notice.

LIX. And be it 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, or by any other Body Politic, Corporate, or Collegiate, or Person manufacturing or supplying Gas within the Limits of this Act, the said Company, Body, or Person shall, at their own Expence, immediately after receiving Notice by Parol or in Writing, to be left at their Office or usual Place of transacting their Business by any Person whomsoever, forthwith cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company, Body, or Person shall not, within Twenty-four Hours after such Notice by Parol 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, Body, or Person 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 receiving such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be recoverable in a summary Way before the Sheriff of the County of *Edinburgh*, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Effects of the said Company, Body, or Person, by Warrant of the said Sheriff as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered from the said Company.

Conveyance of waste Liquid.

LX. And be it enacted, That it shall be lawful for the said Company to make such Sewers or Cuts, of such Breadth, Depth, and Dimensions, and in such Manner, as shall be necessary, in, through, and under the Streets, Squares, Ways, Roads, Bridges, Lanes, Alleys, Closes, Vennals, Courts, Passages, and other Places within the several Parishes aforesaid, for carrying off the Washings or other waste Liquors which may arise in the Prosecution of the Works aforesaid, the said Company doing as little Damage as may be in making such Sewers or Cuts, and immediately repairing at their own Expence all such Damage: Provided always, that the Operations necessary for these Purposes shall be carried on in such Lines adapted to the Purpose and according to such Dimensions as may be agreed upon between the Lord Provost and Magistrates of the said City, and Magistrates of *Leith*, or the Trustees on the Roads along or across which the said Sewers or Cuts may pass, and the said Company, and be conducted under the Inspection of the said Magistrates and Trustees respectively: Provided also, that in no Case any Communication shall be made between the said Sewers or Cuts and the Common Sewers within the several Parishes aforesaid, or any Sewers made or which may be made by Individuals communicating therewith.

Penalty on Company conveying

LXI. And be it enacted, That if the said Company, or any other Body Politic or Corporate, or Person whomsoever, making or furnishing Gas to

to be used within the Limits of this Act, shall at any Time empty, drain, conduct, or convey, or cause or suffer to be emptied, drained, conducted, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or other Things whatsoever which shall arise or be produced in the Prosecution of any Gas Works, or in the Process of obtaining Gas, which may be noisome or offensive in their Nature, into any River, Brook, or running Stream, including the Run of Water which proceeds from the City of *Edinburgh* to the Sea by the Village of *Restalrig*, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any other Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or Well, Drain, Sewer, or Ditch, whereby the Water therein or any Part thereof shall or may be soiled, fouled, or corrupted, then in each and every such Case the said Company or Body or Person 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, with full Costs of Suit, by summary Complaint before the Sheriff of the County of *Edinburgh*, and the whole thereof shall be paid to the Body or Person who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or 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 have been sued for or recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, including as aforesaid, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, Springhead or Well, 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 by any Person whomsoever to the said Company, Body, or Person aforesaid, and the said Company or Body or Person aforesaid 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 emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company or Body or Person aforesaid 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 emptied, 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 and levied, and shall be paid to the Informer, or to the Person who in the

Washings into any River, &c.

Opinion of the Judge before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Company to prevent Contamination of Water.

LXII. And be it enacted, That whenever the Water of any Body Politic or Corporate, or Person, or any Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said *Edinburgh* and *Leith* Gas Light Company, or of any other Body or Person whomsoever, the said Gas Light Company or Body or Person aforesaid shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the Body or Person to whom the Water so contaminated shall belong, who shall sue for the same; and in case any such Water shall be contaminated or affected by the said Gas in any way whatsoever, then and in every such Case the said Company or Body or Person aforesaid shall, forthwith after Notice thereof in Writing signed by the Clerk or other Officer or Servant of the Body or Person to whom such Water shall belong, or by any Person using such Water, to be left at the usual Office or Place of transacting Business of the said Company or Body or Person as aforesaid, cause the most proper and effectual Measures to be effectually taken to stop and prevent Gas from contaminating or affecting any such Water; and in case the said Company or Body or Person as aforesaid shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Company or Body or Person as aforesaid shall, on each and every such Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of any such Body or Person, or to the Person to whom such Water so contaminated shall belong, or Personusing any such Water, and making such Complaint as aforesaid, for the Use and Benefit of the said Body or Person, over and above the before-mentioned Penalty of Twenty Pounds, any Sum not exceeding Ten Pounds for each and every Day during which the said Water shall be and remain contaminated or affected by any such Gas as aforesaid.

For ascertaining if the Water is contaminated.

LXIII. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by Gas; be it therefore enacted, That in every such Case it shall and may be lawful to and for any Body Politic or Corporate or Person to whom such Water shall belong, or any Person using such Water, after giving Twenty-four Hours Notice in Writing in manner herein-before provided as to opening up the said Streets and others aforesaid, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company or of the said Body or Person supplying Gas as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by Gas; and if it shall appear that the said Water

has been contaminated by any Escape of Gas, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street, Road, or other public Passage or Place which shall be taken up or disturbed, shall be borne and paid by the Company or Body or Person aforesaid whose Gas has contaminated such Water; which Costs and Expences shall be ascertained and determined, if necessary, by the said Sheriff as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any Gas Mains, Pipes, or Conduits, then and in such Case the Person so digging or searching, or causing such digging or searching as aforesaid, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Company or Body or Person as aforesaid any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus in and by such Search and Examination, and also to the Pavement and Roadway of the said Streets, Roads, and Places so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by the said Sheriff as aforesaid.

For the Protection of Water Pipes.

LXIV. And be it enacted, That when and so often as the said Company, their Servants, Agents, or Workmen, shall dig or sink any Trench for laying any Main Pipe or other Apparatus, or shall open any Ground, for the Purposes of this Act or any of them, in, upon, or near to which any Water Pipe shall have been laid or placed for the Purpose of conveying Water into or about any of the Parishes aforesaid, or any Branch of any such Water Pipe for the Service or Supply of any Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, public or private Buildings within the Limits of this Act, the said Company, their Servants, Agents, or Workmen, shall and they are hereby required to give previous Notice thereof to the Proprietor or Person having the Control of such Water Pipes for the Time being, and to the Occupier of such Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, public or private Buildings supplied by such Branch or Service Pipe, as the Case may be; and on every such Occasion the said Company, their Servants, Agents, and Workmen, shall, under the Inspection of such Proprietors or Persons or Occupiers, or their or his Surveyor, (or Agent, as the Case may be,) protect and secure such Pipe from any Injury or Damage, and shall also repair and make good any Damage that shall and may be done to any such Water Pipe on such Occasion, and on default being made in any of the Matters aforesaid the said Company shall forfeit and pay to the Proprietors or Persons or Occupiers (as the Case may be) any Sum not exceeding Five Pounds, together with the Costs and Expences which shall have been incurred by them in the securing or protecting, or in repairing or making good any Injury or Damage that may be done to, such Pipe by the Means aforesaid, such Costs and Expences, and also the Amount of such Penalty as aforesaid, to be ascertained and fixed by the Sheriff of the County of *Edinburgh*, and to be levied and recovered in like Manner and subject to the like

like Provisions as are directed touching other Penalties to be incurred under this Act.

Gas Pipes to be laid apart from Water Pipes.

LXV. And be it enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Road, Lane, Bridge, or other public Passage or Place within the several Parishes aforesaid, shall be so laid, whenever the Width of the Carriage Way will allow thereof, at the Distance of Four Feet at least, and when the Width of the Carriage Way will not allow thereof, then at the greatest practicable Distance within Four Feet, from the nearest Part of any Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Roads, Lanes, Bridges, and other public Passages and Places within the Limits aforesaid (unless in Cases where it shall be unavoidably necessary to lay the said Gas Pipes or Conduits across any of the said Water Pipes, in which Cases the said Gas Pipes or Conduits shall be laid over and above the said Water Pipes at the Distance of at least Three Inches therefrom, and shall form therewith a Right Angle); and in such Cases the said Gas Pipes or Conduits so crossing the said Water Pipes shall be at least Nine Feet in Length, including a quadrantal curved Pipe of Two Feet Radius, so that no Joint of any of the Gas Pipes or Conduits shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down any such Gas Pipes or Conduits no Two or more Gas Pipes or Conduits shall in any Case be joined together previous to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench, and the jointing with the other Pipes to be added thereto shall be done and completed with proper and sufficient Materials after such Pipes shall be laid in the Trench; and all and every such Pipes, and all Pipes connected or communicating therewith, and all Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made, and kept and continued, Air-tight, so that in all and every respect the said Gas shall be prevented from escaping therefrom or from any Part thereof, upon pain of Forfeiture by the said Company or Body or Person offending, for every such Offence, of any Sum not exceeding Ten Pounds, to be recovered as any Penalty is herein directed to be recovered.

The Company liable for Injury sustained by Means of their Works.

LXVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding against the said Company, or against any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or the Means which shall be employed by them in making the said Gas, and using the same, or furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the Company, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Manufacture or Preparation or the Use of the same Gas or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

LXVII. And

Power to contract for supplying Gas.
3 G. 4. c. 78.

LXVII. And be it enacted, That the said Company may and are hereby authorized and empowered to enter into Agreements or Contracts with the Commissioners appointed for executing an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for watching, cleansing, and lighting the Streets of the City of* Edinburgh *and adjoining Districts, for regulating the Police thereof, and for other Purposes relating thereto*, or with any other Persons having for the Time the Control, Direction, or Management of the lighting of any Grounds, Places, or Premises within the several Parishes aforesaid, or with any Persons, Bodies Politic, Corporate, or Collegiate, Corporations or Companies, willing and desirous of contracting with the said Company for the lighting of all or any Grounds, Places, or Premises as aforesaid, for Payment to the said Company, or such Person as may be appointed by them to receive the same, such Sum of Money for such Gas as shall be mutually agreed upon between them; and in case of Default in Payment of any Sum of Money so agreed to be paid as aforesaid, it shall and may be lawful for the said Company to cause the Gas to be stopped from issuing or running into the Grounds, Places, or Premises of every Person making such Default, by separating or otherwise cutting off the Pipe conveying the said Gas to such Person; and if any Person shall lay or cause to be laid any Leaden or other Pipe to communicate with any Main Pipe or other Pipe belonging to the said Company, or any Pipe communicating therewith, without having obtained the written Consent of the said Company, every such Person shall forfeit and pay to the said Company the Sum of Two Pounds Sterling for every Day such Pipe shall so remain, over and above the Value of the Gas thereby consumed.

Recovery of Rents.

LXVIII. And be it enacted, That in case any Person who shall contract or agree with the said Company, or agree to take, or shall use or enjoy any Gas, Gas Meters, and Fittings, or any of them, belonging to the said Company, shall refuse or neglect for the Space of Ten Days after Demand in Writing to pay the Sum of Money then due under his Contract or Agreement for the same to the said Company, according to the Terms and Stipulations of the said respective Parties with the said Company, it shall be lawful for the said Company, or any Person acting by or under their Authority, to recover the said Sum of Money in respect whereof such Refusal or Neglect shall happen, together with Costs, by Action of Debt before the Judge Ordinary of the Bounds; and it shall also be lawful for the said Company to cut off and take away the Supply of Gas from the Ground or Premises of every such Person so making default in Payment of such Sum of Money then due by his Contract to the said Company for the Space of Ten Days after such Demand as aforesaid, and thenceforth to discontinue the Supply of Gas contracted or agreed for by such Person.

Service Pipes to be kept fully charged with Gas.

LXIX. And be it 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 City of *Edinburgh* and Town of *Leith*, or any or either of them, under any Contract or Agreement with any Person, shall be kept fully charged with Gas, and the Stop Cocks

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.

Power to light the common Stairs.

LXX. And be it enacted, That in case the Proprietor or Occupier of any Dwelling or other House or Building the Entry to which is by a common Stair or Access shall be desirous of being supplied with Gas, it shall be lawful to the said Company, without the Consent of the other Owners or Occupiers of Premises in such common Stair or Access, to lay and continue Branch or Service Pipes in such common Stair or Access, and against the Premises in the same, into the Dwelling or other House or Building of the Party so desirous of being supplied with Gas.

Company's Meters not to be attached for other Purposes.

LXXI. And be it enacted, That it shall and may be lawful to and for the said Company to lend out to any Person, at such Rent as may be agreed on, any Meter for ascertaining the Quantity of Gas consumed by such Person and supplied in virtue of this Act; and further, that such Meter so lent out by the said Company shall not be liable to be attached in any manner of way for any Rent or for any Debt due or to become due by such Person to whom such Meter may or shall be so lent out.

Power to take away Pipes, &c. when Gas is discontinued.

LXXII. And be it enacted, That in all Cases in which it shall be lawful for the said Company to cut off and take away the Supply of Gas from any Shop, Inn, Tavern, Dwelling House, Mill, Manufactory, Warehouse, public or private Building, Ground, or Premises, under the Provisions of this Act, it shall also be lawful for the said Company, their Agents and Workmen, to enter into or upon any such Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, public or private Buildings, Grounds, or Premises, in the Day Time, for the Purpose of removing, taking, and carrying away, and to remove, take, and carry away, any Pipe, Meter, Cock, Branch, or Apparatus, the Property of and belonging to the said Company; and the said Company shall at their own Expence repair and make good any Damage or Injury that may be done to any such Shops, Inns, Taverns, Dwelling Houses, Mills, Manufactories, Warehouses, public or private Buildings, Grounds, and Premises, where such Pipe or Apparatus shall have been so introduced.

Distances of Pipes to be observed by other Companies.

LXXIII. And be it enacted, That when any Body Politic, Corporate, or Collegiate, or any Person whatsoever, shall lay or place, or cause to be laid or placed, any Service or Branch Pipe for the Conveyance of Gas within the Bounds of this Act, the same shall, except where such Service or Branch Pipe is to be laid in lieu of any other Service or Branch Pipe already laid, be laid or placed, so long as such Pipes shall be carried under Ground at the Distance of at least Six Inches, but when carried through the outside Wall, and passed into the Interior of any Building, the said Pipe shall be laid or placed at the Distance of not less than Three Inches from any Service or Branch Pipe leading from any Main Pipe to any Premises of any Kind whatever which the said *Edinburgh* and *Leith* Gas Light Company may have then laid or placed for supplying Gas to any such Premises, and parallel with such

Pipes of the said *Edinburgh* and *Leith* Gas Light Company, when reasonably practicable; and when any such Body Politic, Corporate, or Collegiate, or Person whatsoever, shall lay or place, or cause to be laid or placed, any Service or Branch Pipe for the Conveyance of Gas within the Bounds aforesaid into any common Stair or Access, House, Tenement, or Building, of whatever Kind, entering from, through, up, or by such common Stair or Access, such Service or Branch Pipe shall be laid or placed at the Distance of at least Three Inches from any Service or Branch Pipe which the said *Edinburgh* and *Leith* Gas Light Company may have then laid or placed for supplying Gas to any such common Stair or Access, House, Tenement, or Building, of whatever Kind, entering from, through, up, or by such common Stair or Access, in virtue of this Act, and parallel with such Pipes of the said *Edinburgh* and *Leith* Gas Light Company where reasonably practicable; and where, in consequence of the Regulations as to Distance from Water Pipes or otherwise, it is not practicable to observe the said respective Distances of Six Inches and Three Inches, then such Service or Branch Pipes shall be laid at the greatest practicable Distance within Six Inches and Three Inches respectively from the Service or Branch Pipes of the said *Edinburgh* and *Leith* Gas Light Company.

Protection of Main Pipes, &c.

LXXIV. And be it enacted, That when any Body Politic, Corporate, or Collegiate, or any Person whatsoever, shall lay or place, or cause to be laid or placed, any Main Pipe for the Conveyance of Gas within the Bounds of this Act, such Main Pipe, where the same shall exceed Five Inches in Diameter, except when the same is to be laid in lieu of Main Pipes already laid, shall, where the Regulation as to Distance from Water Pipes will permit, be laid, wherever the Width of the Carriage Way will allow thereof, at the Distance of Two Feet, and if the Width of the Carriage Way, and the Regulations as to Water Pipes, will not allow thereof, then at the greatest practicable Distance within Two Feet; and such Main Pipe, when the same shall not exceed Five Inches in Diameter, shall be laid, wherever the Width of the Carriage Way and the Regulations as to Water Pipes will allow thereof, at the Distance of One Foot at least, and if the Width of the Carriage Way and such Regulations as to Water Pipes will not allow thereof, then at the greatest practicable Distance within One Foot from all and every Main Pipe which the said *Edinburgh* and *Leith* Gas Light Company may have then laid or placed in, under, across, and along any Road, Way, Highway, Footpath, Pavement, Street, Square, Lane, or other Passage or Place, or across the Bed of the Water or River of *Leith* or the Harbour thereof, or along any Bridge that may be built across the said Water or River of *Leith*, or any other Place within the Bounds of this Act; and in Cases where it shall be necessary to lay such Main Pipes across any of the Main Pipes of the said *Edinburgh* and *Leith* Gas Light Company, such Main Pipes shall be laid either under or above the said *Edinburgh* and *Leith* Gas Light Company's Pipes so as to form a Right Angle therewith, and in no Case shall there be less than Two Inches of Earth filled in between the one Set of Pipes and the other, where reasonably practicable; and such other Body Politic, Corporate, or Collegiate, or Person, shall be bound to repair all Injury done by them to the said *Edinburgh* and *Leith* Gas Light Company's Pipes

to

to the Satisfaction of the said *Edinburgh* and *Leith* Gas Light Company, and that whether the Pipes so injured shall be Main, Service, or Branch Pipes.

Persons not to supply others with Gas, nor injure Gas Meters.

LXXV. And be it enacted, That if any Person whomsoever supplied with Gas by virtue of this Act shall supply any other Person whatsoever with any Part of such Gas, then and in every such Case every Person so offending shall for every such Offence forfeit and pay the said Company any Sum not exceeding Fifty Pounds Sterling over and above the Value of the Gas so supplied, and it shall be lawful for the said Company 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 any of the Officers or Servants of the said Company to inspect the Grounds, Places, or Premises lighted with Gas or inflammable Air supplied by the said Company, provided that such Inspection shall be made during the Daytime, and that Notice thereof shall be given to the Occupier of the Grounds, Places, or Premises so to be inspected, Three Hours at least before such Inspection; and if in any Grounds, Places, or Premises 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 which may be used for ascertaining the Quantity of Gas so consumed or supplied in any such Grounds, Places, or Premises shall be in any ways opened, altered, injured, or destroyed, the Occupier of such Grounds, Places, or Premises so opening, altering, injuring, or destroying such Meter, or burning such greater Number of Jets or Lights, shall forfeit and pay to the said Company a Penalty not exceeding Ten Pounds Sterling for each Offence, upon Conviction by the Sheriff of *Edinburgh* for the Time, over and above the Value of the Gas surreptitiously consumed as aforesaid.

The Company obliged to furnish Gas in certain Cases if required.

LXXVI. And be it enacted, That where any Person shall advance or give Security to defray all Expences attending the conveying of Gas into his Premises, the said Company shall be obliged to convey Gas into such Premises at the same Rate of Charge made by the said Company for the Time for Gas furnished to other Parties: Provided always, that the Distance to which Gas shall be so required to be conveyed shall not exceed One hundred Yards from any Main Pipe at the Time laid down by the said Company, and that the Person so requiring Gas shall agree to use such Gas for a Period of not less than One Year, and that he shall, if required, find Security for Payment of such Rate, and to observe all Rules and Regulations which the said Company may have lawfully made; and in the Event of any Question occurring as to the Place from whence the Gas is to be so conveyed, or as to any of the other Particulars thus set forth, the Sheriff of the County shall have Power to dispose of the same; and it is further provided that Gas shall in no Case be cut off from any Premises on the Ground of an Infraction of said Rules and Regulations without the Intervention of judicial Authority.

Penalty for injuring the Works.

LXXVII. And be it enacted, That if any Person shall wilfully or maliciously break, throw down, damage, or destroy any Works to be erected

erected, made, and procured by virtue of this Act, or destroy, injure, or damage any Engine, Pipe, Plug, 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 any Sum not exceeding Five Pounds Sterling, upon Conviction by the Sheriff of *Edinburgh* for the Time, for every such Offence, and also the full Amount of the Damage which shall be sustained thereby.

How Notices may be served on the Company.

LXXVIII. And be it enacted, That the Property of and in the said Undertaking, and the 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 in paying the Price or Prices of the Lands, Subjects, and other Heritages to be acquired, and in making, constructing, and acquiring the Works, Machines, and other Things authorized by this Act, and all other Expences whatsoever touching or concerning the same in any ways howsoever, which shall be respectively borne, paid, and defrayed by the said Company, is and are hereby vested in the said Company, and the Members thereof shall severally and respectively be entitled thereto, in such Shares and Proportions and in the Manner as is prescribed by this Act.

Service of Notice on the Company.

LXXIX. And be it enacted, That in all Cases where it may be requisite and necessary for any Person to serve any Notice, Citation, or Summons, or other legal Proceedings, upon the said Company, the Service thereof upon any Three of the said Directors for the Time personally, or left at their last or usual respective Places of Abode, or on the Clerk of the said Company personally, or left at his last or usual Place of Abode, or at the Office or Place of Business of the said Company, shall be good and sufficient Service of the same on the said Company.

Preservation of Rights of Magistrates of Edinburgh,

LXXX. 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 Town Council of *Edinburgh*, in virtue of former Acts of Parliament, Royal Charters, immemorial Usage, or otherwise.

and of the Commissioners of Police.

LXXXI. And be it enacted, That nothing in this Act contained shall extend or be construed to defeat, abridge, alter, obstruct, or in any manner of way interfere with the Powers and Authorities of the Commissioners appointed by the before-recited Act for watching, cleansing, and lighting the said City of *Edinburgh* and adjoining Districts, or their Successors, or any Person, of any Right which they or any of them at present possess or may hereafter acquire of lighting the Streets with Gas Lights or in any other Manner.

The Leith Gas Company established by 3 G. 4. c. 32. may convey

LXXXII. And whereas an Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for lighting the Town of* Leith *and its Vicinity with Gas, and other Purposes relating thereto:* And whereas the *Leith* Gas Light Company thereby established have supplied the Town of *Leith* and its

their Property to the Company hereby established.

its Neighbourhood with Gas, and are possessed of Property and Machinery for that Purpose, which they are willing to convey and make over to the Company hereby established at an agreed-on Price or Compensation for the same; be it enacted, That it shall and may be lawful to the Company established by the said Act, upon Payment of the Price or Compensation so agreed upon as aforesaid, with the Consent of Parties holding together Three Fourths at least of the whole Capital Stock of the said *Leith* Gas Light Company, to convey and make over the whole Property, heritable and moveable, real and personal, belonging to them, in favour of the Company hereby incorporated, and on the Execution of such Conveyance the Property, heritable and moveable, real and personal, thereby conveyed, shall become vested in the said *Edinburgh* and *Leith* Gas Light Company, their Successors and Assignees, for the Purposes of this Act, without Prejudice nevertheless to any lawful Acts or Deeds affecting the said Property theretofore made, done, or committed by the said *Leith* Gas Light Company, and so as not to affect prejudicially the Right of any Person claiming under any such lawful Acts or Deeds or under this Act.

Debts of Leith Gas Light Company to be paid, Monies divided, and Company dissolved.

LXXXIII. And be it enacted, That as soon as conveniently may be after the whole Property, heritable and moveable, real and personal, of the said *Leith* Gas Light Company, shall have been conveyed and made over as aforesaid, the *Leith* Gas Light Company shall, out of the Monies arising by such Sale and Conveyance, pay off and discharge all and every Debt due or owing by the said *Leith* Gas Light Company, and after Payment of such Debts shall divide all or any Monies remaining in their Hands among the Proprietors of Shares of the said *Leith* Gas Light Company rateably and in proportion to their respective Shares in the Stock thereof, whereupon the said *Leith* Gas Light Company shall be dissolved and cease to exist, and the said last-recited Act be repealed.

This Company not to join any other.

LXXXIV. And be it enacted, That it shall not be lawful to the said *Edinburgh* and *Leith* Gas Light Company at any Time hereafter to join or connect themselves to or with any other Coal Gas Light Company already incorporated or that may be hereafter incorporated, nor to purchase or acquire any of the Powers or Authorities that may be vested in any such Gas Light Company, or any Part of the Property of any such Gas Light Company, for the Purpose of such Junction or Connection, saving always and excepting the said *Leith* Gas Light Company.

Rules for Construction of certain Terms of the Act.

LXXXV. And be it enacted, That in the Construction of this Act every Word importing the Singular Number shall extend to and include several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender shall extend to and include Females as well as Males; unless it be otherwise specially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

LXXXVI. And be it enacted, That all Costs, Charges, and Expences attending the applying for, obtaining, and passing of this Act shall be paid and discharged by the said Company out of the first Monies raised or to be raised for the Purposes of this Act, in preference to all other Payments whatsoever. Expences of this Act how to be paid.

LXXXVII. And be it 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. Public Act.

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