ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. xiii.

An Act for enabling the *Edinburgh* Gas Light Company more effectually to light with Gas the Town of *Leith*, the Vicinity thereof, and other Places in the County of *Edinburgh;* and for altering and enlarging the Powers of the said Company.

[23d *March* 1840.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for lighting the City and Suburbs of* Edin- 58 G. 3. c. 67.
burgh *and Places adjacent with Gas*, by which Act certain Persons were incorporated by the Name of "The *Edinburgh* Gas Light Company," and were authorized to raise a Sum of Money not exceeding One hundred thousand Pounds for the Purposes thereof: And whereas another Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for* 10 G. 4. c. 2.
enabling the Edinburgh *Gas Light Company to raise a further Sum of Money, and for other Purposes relating thereto*, whereby the said Company were authorized to raise an additional Sum of Money not exceeding the Sum of Fifty thousand Pounds: And whereas the said Company have afforded an extensive and abundant Supply of Gas to the said City and Suburbs of *Edinburgh* and Places adjacent: And whereas the Town of *Leith*, the Vicinity thereof, and Places adjacent, all situated within the Parishes of *South Leith; North Leith*, including the

the newly-erected Parish of *Newhaven; Canongate; Saint Cuthbert's* or *West Kirk*, including all the recently-erected Parishes therein; *Greenside; Cramond; Libberton; Duddingstone*, including the newly-erected Parish of *Portobello*, all in the County of *Edinburgh*, are large, populous, and increasing Places; and the said Company are willing and desirous, at their own Costs and Charges, to afford a further Supply of Gas Light to the Inhabitants and to the Public resorting to and passing through the Roads, Ways, Streets, Highways, Footpaths, Pavements, Squares, Lanes, and other Passages and Places therein: And whereas, in carrying into effect the Purposes aforesaid, it is expedient that Power should be given to the said Company to increase their Capital Stock and to raise a further Sum of Money, and that the Provisions in the said recited Acts should in other respects be altered and amended; 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 all the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Penalties, Forfeitures, Clauses, Restrictions, Matters, and Things whatsoever contained in the said recited Acts or either of them, except in so far as the same are hereby altered or varied, shall extend and be construed to extend to and operate and be in force for the Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if the same and every Part thereof were repeated and re-enacted in this Act and were made Part thereof; and the said recited Acts and this Act shall, as to all Matters and Things whatsoever, except as aforesaid, be construed as one Act.

Former Acts to be construed with this Act.

II. And be it enacted, That in the Construction of the said recited Acts and 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 a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals; and every Word importing the Plural Number shall be applied to One Person, Matter, or Thing, as well as to 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.

Rules for Construction of certain Terms of this and recited Acts.

III. And be it further enacted, That the said *Edinburgh* Gas Light Company, or the Committee of Management thereof for the Time being, shall from and after the passing of this Act be fully authorized and empowered to make or cause to be made or manufactured Gas or Inflammable Air from Coal, Oil, or any other Substances or Materials whatsoever; and to contract for and sell and dispose of the same when so made or manufactured, in such Manner and to such Extent as the said Company or the said Committee of Management may think proper and advantageous, for lighting with Gas all Roads, Ways,

Gas may be made from any Materials.

Power to sell Gas, &c.

Ways, Highways, Footpaths, Pavements, Streets, Squares, Lanes, and other Passages and Places, and private Houses, common Stairs or other Accesses, and Tenements and other Buildings aforesaid entering from, through, up, or by such common Stairs or other Accesses, Shops, Counting-houses, Manufactories, Warehouses, and other Buildings, public and private, within the said Town of *Leith*, and within all or any of the other Places and Parishes aforesaid, and within the Bounds of the said recited Acts; and also to sell and dispose of the Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and all and every Product and Products, Refuse or Residuum arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, in such Manner as the said Company may think fit; and the said Company, or the said Committee of Management, shall have full Power to purchase Lands to the Extent of Five Acres, over and above the Six Acres authorized by the said recited Acts to be purchased, and the Tenements or Heritages necessary for the Purposes of this Act, and shall have full Power to enter into all Contracts and Agreements for all and every Material, of whatever Kind, which may be necessary for carrying into effect the Purposes of the said recited Acts and this Act.

Power to purchase Lands, &c.

IV. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Company to raise, in manner hereinafter mentioned, additional Capital Stock, not exceeding in the whole the Sum of Fifty thousand Pounds, over and above the Capital Stock authorized to be raised by the said recited Acts; and for raising which said additional Capital Stock it shall and may be lawful for the said Company or their Committee of Management to create and issue such a Number of Shares in the said Undertaking, of the Amount and Value of Twenty-five Pounds each, as, at that Amount, may correspond to the Capital Stock by this Act authorized to be raised.

Power to raise 50,000*l.* and to create and issue Shares.

V. And be it further enacted, That it shall be lawful to the said Company, or to the said Committee of Management for the Time being, and they are hereby required, either to sell to the Public from Time to Time to the best Advantage, by public or private Sale, as to them shall seem proper, the said Shares so to be created and issued in virtue of this Act, or to divide the said Shares among the Proprietors of the Company, as nearly as possible in proportion to the Number of Shares held by each of them, at the Market Price of the Day.

Power to sell Shares by public and private Sale, &c.

VI. And be it further enacted, That the whole Sums paid by the Purchasers or Proprietors of the Company as the Price of the additional Capital Stock or Shares so to be sold or divided, after deducting the Expences of the Sale, shall be expended for carrying into effect the Purposes of the said recited Acts and this Act.

The Sums raised to be expended for the Purposes of the Acts.

VII. And be it further enacted, That such new or additional Shares of Capital Stock so to be created by virtue of this Act, and the several Shares made or created by virtue of the said recited Acts, shall to all Intents and Purposes be and they are hereby declared to be

Distribution of Profits, &c.

be consolidated, and to be one and the same joint Stock and Property; and all Persons, Bodies Politic, Corporate, and Collegiate, and Parties whatsoever, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally have subscribed for or otherways become Proprietor or Proprietors of One or more Share or Shares, and have paid such Sum or Sums of Money as have been called for or demanded under or by virtue of the said recited Acts, or who shall severally subscribe for or otherways shall become Proprietor or Proprietors of One or more additional Share or Shares of Capital Stock, and pay such Sum or Sums of Money as shall be called for or demanded under or by virtue of this Act, shall respectively be entitled to and receive the entire and net Distribution of a proportional Part of the Profits or Advantages that shall or may arise or accrue by virtue of the said recited Acts and of this Act, from the said Undertaking, corresponding to such Share or Shares; and all Persons, and Bodies Politic, Corporate, or Collegiate, and Parties whatsoever, who shall subscribe for, hold, or be entitled to any such new or additional Shares, shall be subject to the Provisions and Regulations of the said recited Acts respecting the Payment of Subscriptions, in such and the same Manner in all respects as if they were or had been respectively Subscribers or Holders of original Shares under the said recited Acts, and shall bear and pay a proportional Sum towards carrying on the said Works respectively in manner directed by the said recited Acts or this Act.

Privileges and Powers of former Acts applicable to Stock raised under this Act.

VIII. And be it further enacted, That all Persons, and Bodies Politic, Corporate, or Collegiate, and Parties whatsoever, who shall be Proprietors or Proprietor of any Share or Shares of Capital Stock which shall or may be created by virtue of this Act, shall be Members of the said Company, and shall be entitled to such and the same Privileges, Powers, and Advantages as are granted by the said recited Acts to the Proprietors or Holders of Shares therein mentioned, and shall be subject to such and the same Rules, Regulations, Restrictions, Penalties, Forfeitures, and Payments as in and by the said recited Acts is expressed and contained of and concerning the original Shares created by virtue thereof, and of and concerning the Holders or Proprietors of such original Shares of and in the said Undertaking; and the Admission of all and every Person and Persons to any such new Share or Shares, by any Order or Resolution of the said Company or their Committee of Management, shall be and be deemed to be a good and effectual Title thereto for such Person or Persons, and his, her, or their Executors, Administrators, or Assigns, on his, her, or their paying the said Company, or their Treasurer or Collector for the Time being, the Sum or Sums of Money required to be paid for such Shares respectively within the Time limited in any Order or Resolution for that Purpose: Provided always, that no Person becoming a Partner of the said Company by subscribing and taking a Part of the additional Capital Stock created by this Act shall be entitled to vote at any General or Special General Meeting of the said Company, in respect of any Share or Shares so hereby created, until he, she, or they shall have paid up the whole Sums subscribed for the said Shares or such Parts thereof as may have been called for by the said Company or their Committee of Management: Provided also,

also, that such new Shares in the said Undertaking, and in the net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

Power to borrow.

IX. And be it further enacted, That it shall and may be lawful to and in the Power of the said Company or of the said Committee of Management, and they are hereby authorized from Time to Time to borrow or take up on Loan at Interest, and to repay and borrow again as often as they shall see fit so to do for the Purposes of the said recited Acts or this Act, any Sum or Sums of Money, not exceeding Fifty thousand Pounds in the whole, at any one Time, for the Use and Behoof of the said Company, and to grant, execute, and deliver to and in favour of the Lenders of the Money, or those having Right to the same, such Bonds, Obligations, or other Deeds in Writing as may be required, binding the said Company, and assigning the Trade, Stock, and Estate of the said Company as a Security for Payment of the Sum or Sums of Money so to be borrowed as aforesaid, with 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 to be borrowed; and every such Security or Assignment shall be duly stamped and shall be in the Words or to the Effect following; (that is to say,)

Form of Assignment.

'BY virtue of an Act made in the Third Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act,*] we, the *Edinburgh* Gas Light Company, do hereby acknowledge to have borrowed from *A.B.* the Sum of , which Sum we are by these Presents bound to repay to the said *A.B.*, or his Executors, Administrators, or Assigns, upon the Day of next, with Interest for the said Sum at the Rate of *per Centum per Annum* from the Day of until the said Day of Payment, and thereafter until Payment is made; and in further Security of the Payment of the said Sum and Interest we hereby assign to the said *A.B.* and his foresaids such Proportion of the Property and Effects belonging to the said Company as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed by virtue of the said Act, 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 shall be good, valid, and effectual in the Law, and shall entitle the Person to whom the same shall be made, his Executors, Administrators, or Assigns, to the Payment of the Sum for which the same is granted, and to the Profits and Advantages of such Security or Assignment, according to the Form of Words of such Security or Assignment, and the true Intent and Meaning of this Act.

Power to transfer Assignments.

X. And be it further enacted, That it shall be lawful for the several Persons entitled to any of such Securities, and their respective Executors, Administrators, or Assigns, as the Case may be, at any Time, by Writing under their respective Hands, to transfer the same to any Person whatsoever; and every such Transfer may be by a Deed duly stamped, in the Words or to the Effect following; (that is to say,)

Form of Transfer of Assignments.

'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* 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 Assigns. Dated the Day of in the Year of our Lord .'

And every such Assignment and Transfer shall within Thirty Days after the Date thereof be produced to the Clerk of the said Company, who shall cause a Memorial to be made thereof, for which the said Clerk shall be paid such Sum as the said Committee of Management shall appoint, not exceeding Five Shillings; and after such Entry made every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

Power to erect Retort Houses, Gasometer Houses, &c.

XI. And be it further enacted, That it shall be lawful for the said Company or the said Committee of Management, and they are hereby fully authorized and empowered, by their Servants, Agents, Workmen, and others, from Time to Time, but subject to the Restrictions in the said recited Acts and this Act contained, to make and erect such Retort Houses, Gasometer Houses, Receivers, and other Buildings; to construct and erect Retorts, Gasometers, Cisterns, Engines, Machines, and other Apparatus; Cuts, Drains, Sewers, Watercourses, Reservoirs, and all other Works; and to sink and lay Pipes of such Dimensions and Construction, and in such Manner, and at and in such Parts and Places within the Bounds of the said recited Acts and this Act, as the said Company or the said Committee of Management shall think necessary or proper for carrying the Purposes of the said recited Acts and this Act into execution.

Power to break up the Soil and Pavement of Streets, &c.

XII. And be it further enacted, That it shall be lawful for the said Company or the said Committee of Management, and they are hereby fully authorized and empowered, from Time to Time, by their Servants, Agents, Workmen, and others, in a careful Manner, doing as little Damage as may be, to break up the Soil, Pitchings, Causeways, and Side Pavements of any Roads, Ways, Highways,

Footpaths, Pavements, Streets, Squares, Lanes, and other Passages and Places within the said Town of *Leith*, the Vicinity thereof, and other Places and Parishes aforesaid, and within the Bounds of the said recited Acts, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along such Roads, Ways, Highways, Footpaths, Pavements, Streets, Squares, Lanes, and other Passages and Places, and in such Manner as shall be necessary for the Purpose of carrying the said recited Acts and this Act into execution, or supplying any such Light as aforesaid; and from Time to Time to alter the Position of, and to repair, relay, and maintain, enlarge, or add to, such Pipes, Stopcocks, Syphons, and Plugs or Branches; and also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Road, Way, Highway, Footpath, Pavement, Street, Square, Lane, or other Passage or Place, by the said Company, by virtue of the said recited Acts and this Act, into any private House or Houses, common Stair or Stairs, or other Access, and Tenement or Tenements, and Building or Buildings of whatever Kind, entering from, through, up, or by such common Stair or Stairs, or other Access, Shops, Counting-houses, Manufactories, Warehouses, and other Buildings, public and private, for the Purpose of lighting the same from any such Mains or Pipes; and to fix, place, and maintain any Apparatus or Convenience necessary or requisite or deemed advisable for securing to any private House or Houses, common Stair or Stairs, or other Access, and Tenement or Tenements, and Building or Buildings of whatever Kind, entering from, through, up, or by such common Stair or Stairs, or other Access, Shops, Counting-houses, Manufactories, Warehouses, and other Buildings, public and private, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply; and also to alter or amend or enlarge or add to any Work which shall have been placed, when the same shall be bad or imperfect, or which shall be injured or damaged, or shall be insufficient in Extent, in such private House or Houses, common Stair or Stairs, or other Access, and Tenement or Tenements, and Building or Buildings, of whatever Kind, entering from, through, up, or by such common Stair or Stairs, or other Access, Shops, Counting-houses, Manufactories, Warehouses, and other Buildings, public and private; and to do all such other Acts, Matters, and Things of the same or the like Nature as shall from Time to Time be necessary and convenient for the Purposes of carrying the said recited Acts and this Act into execution, according to the true Intent and Meaning of the same; any thing in the said recited Acts or either of them contained to the contrary notwithstanding: Provided always, that a proper Compensation be made by the said Company of Proprietors for any Damage to be done by any of the Operations of the said Company as the same may be determined by the Sheriff of the County of *Edinburgh* for the Time being; and declaring always, that in case the Trustees for the Middle District of Roads in the said County of *Edinburgh*, or other Trustees or Persons under whose Charge the Roads or Streets may be, shall find it necessary to alter the Levels of any of the Roads or Streets within the Boundaries over which this Act extends, or to do any other thing

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in the Discharge of their Duties whereby it may become necessary to have the Pipes of the said Company taken up and relaid, the said Company shall, at their own Expence, take up and relay the same when required so to do by the said Trustees or Persons in charge of such Roads and Streets; 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 along, against, into, or through any private Houses, Shops, Counting Houses, Manufactories, Warehouses, or other 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 of such Houses, Shops, Counting-houses, Manufactories, Warehouses, or other Buildings.

Power to light Common Stairs, &c.

XIII. And be it further enacted, That in case any Owner or Owners, Occupier or Occupiers, of any Tenement or Tenements, Building or Buildings, of whatever Kind, entering from, through, up, or by any common Stair or Stairs, or other Access, within the Bounds of the said recited Acts or this Act, shall be desirous of being supplied with Gas, it shall be lawful to the said Company, or the said Committee of Management, without the Consent of the other Owner or Owners, Occupier or Occupiers, of any other Tenement or Tenements, Building or Buildings, of whatever Kind, entering from, through, up, or by, or in such common Stair or Stairs, or other Access, to lay or place, or cause to be laid or placed, and to continue any Branch or Service Pipe or Pipes in such common Stair or Stairs, or other Access, and against the Premises in the same, into the Tenement or Building of the Person so desirous of being supplied with Gas as aforesaid, any thing in this Act, or in the said recited Acts or either of them, contained to the contrary notwithstanding.

Power to carry Pipes across the Water of Leith.

XIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized, to carry a Pipe or Pipes 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*; and to affix such Pipe or Pipes thereto in such Manner as the said Company or the said Committee of Management shall consider most proper; but such Pipe or Pipes shall be so carried along the said Bridges, or across the Bed of the said River or Harbour, as not to injure the same, and so as not to interfere with the Depth or interrupt the free Passage of the River or Harbour of *Leith*, or the said Bridges, or any of them.

Notice of Operations to be given.

XV. Provided always, and be it further enacted, That the said Committee of Management shall be obliged, Forty-eight Hours before commencing any of such Operations, to give Notice in Writing to the Superintendent of Police for the City of *Edinburgh* for the Time being, if the said Pipes are intended to be laid within the Bounds of Police of the said City, and similar Notice in Writing to the Superintendent of Police of the Town of *Leith* for the Time being, if the Pipes are intended to be laid within the Bounds of Police of the said Town of *Leith*, and similar Notice in Writing to the

the Clerk, Road Surveyor, or such other Person as may be appointed for that Purpose by the Trustees for the Middle District of Roads in the County of *Edinburgh* in regard to all such Roads, Streets, Squares, and other Places as shall be under the Charge of such Trustees, and to the Clerk, or if there be no Clerk to One or more of the Commissioners, Trustees, or other Person or Persons having the Control, Direction, or Management of any other such Roads, Streets, Squares, and other Places aforesaid, either by giving such Notice personally to such Surveyor, Person, Clerk, Commissioners, Trustees, or other Persons aforesaid, or by leaving the same at their respective Dwelling Houses or usual Places of Abode or Business; and such Notices shall specify the particular Place wherein and the Day on which such Operations are intended to be executed, and at all Times and wheresoever situated similar Notice shall be given to the Proprietors or Occupiers of the Premises in or through which any such Operations are intended to be carried on.

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

XVI. And be it further 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, and 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 to 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 thereon, 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.

Power to proceed after Notice.

XVII. And be it further 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, or 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.

Penalty on conveying Washings, &c. into any River.

XVIII. And be it further enacted, That if the said *Edinburgh* Gas Light Company, or any Body or Bodies Politic or Corporate, or Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of the said recited Acts and this Act, shall, at any Time from and after the passing of this

this Act, 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, or any noisome or offensive Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of any Gas Works, or in the Manufacture or Process of making or procuring Gas, 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, 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, Well, Drain, Sewer, or Ditch, whereby the Water or any Part thereof shall or may be soiled or otherwise affected, then and in every such Case the said Company, or other Person or Persons as aforesaid, 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, together with full Costs of Suit, before any Court competent within *Scotland*, and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within 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 Body or Bodies Politic or Corporate, or Person or Persons to whom the same shall belong, or by any other Person or Persons whatsoever, to the said Company or Person or Persons as aforesaid, and the said Company or Person or Persons shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, and 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 Person or Persons 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 as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is by the said recited Acts directed to be recovered and

levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment 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.

Limitation as to Drain hitherto used.

XIX. And whereas, since the Establishment of the said *Edinburgh* Gas Light Company, the said Run of Water which proceeds from the City of *Edinburgh* to the Sea by the Village of *Restalrig* has been used as a Drain or Sewer for the Conveyance of the Refuse from the Works of the said Company; be it therefore further enacted, That the Restrictions, Penalties, and Forfeitures herein-before contained in regard to the Use of the said Run of Water shall not come into operation against the said Company until the Expiration of Six Calendar Months from and after the passing of this Act.

Gas Pipes to be laid apart from Water Pipes.

XX. And be it further 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 around any Road, Way, Highway, Footpath, Pavement, Street, Square, Lane, or other Passage or Place within the said Town of *Leith*, the Vicinity thereof, and other Places and Parishes aforesaid, and within the Bounds of the said recited Acts, shall, wherever the Width of the Carriageway will allow thereof, be laid at the Distance of Four Feet at the least, and if the Width of the Carriageway will not allow thereof then at the greatest practicable Distance within Four Feet, from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down, by any Company of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons whatsoever, for the Conveyance of Water in, under, through, along, across, or around any of the said Roads, Ways, Highways, Footpaths, Pavements, Streets, Squares, Lanes, or other Passages or Places, unless in Cases where it shall be unavoidably necessary to lay the Gas Main Pipes or any other Pipe or Pipes across any of such Water Pipes, in which Cases the said Gas Pipes shall be laid over and above such Water Pipes, at the greatest practicable Distance therefrom, and shall form therewith as nearly as possible a Right Angle, and in such Cases the said Gas Pipes so crossing any such Water Pipes shall be at least Nine Feet in Length, and shall be placed so that no Joint of any of the said Gas Pipes shall be nearer to any Part of any such Water Pipes than Four Feet, and in laying down any such Gas Pipes or other Conduits no Two or more of such Gas Pipes or other Conduit Pipes 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 after such Pipes shall be so laid or placed in the Trench with proper and sufficient Materials; and all and every such Pipes or Conduits, and all Pipes connected or communicating therewith, and all the 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 and from every Part thereof at all Times, upon pain of Forfeiture by the said Company, or Person or Persons offending, for every such Offence, of any Sum not exceeding Ten Pounds.

XXI. And

Company to prevent Contamination of Water.

XXI. And be it further 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 Person whomsoever, shall be contaminated or affected by the Gas of the said *Edinburgh* 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, that then and in every such Case the Company, or Body or Person aforesaid, shall forthwith, after Notice thereof in Writing, signed by the Clerk or other Officer 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 taken effectually 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 to remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that 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 to whom such Water so contaminated shall belong, or Person using any such Water, and making such Complaint as aforesaid, for the Use and Benefit of the 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, tainted, or affected by any such Gas as aforesaid.

For the Protection of Water Pipes.

XXII. And be it further 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 the said recited Acts and this Act, or any of them, in, upon, or near to which any Water Pipes shall have been laid or placed, for the Purpose of conveying Water into or about any of the Places and Parishes within the Bounds of the said recited Acts and this Act, or any Branch of any such Water Pipe for the Service or Supply of any private Houses, Shops, Counting-houses, Manufactories, Warehouses, and other Buildings, public or private, within the Bounds of the said recited Acts and 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 private House, Shop, Counting-house, Manufactory, Warehouse, or other Building, public or private, supplied by such Branch or Service Pipe, as the Case may be, and on every such Occasion the

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 and 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 said Sheriff, and to be levied and recovered in like Manner and subject to the like Provisions as are directed touching other Penalties to be incurred under the said recited Acts and this Act.

For ascertaining if Water be contaminated.

XXIII. And whereas it may become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by Gas; be it therefore further 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 Soil or Pavement of the said Streets and others as aforesaid, and as to all other Places within the Limits 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 the said recited Acts: 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 their 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 and 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.

The Company liable for Injury

XXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from

sustained by means of their Works.

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 its 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.

Power to contract for Supply of Gas, and for lighting, &c.

XXV. And be it further enacted, That the said Company, or the said Committee of Management, may and they are hereby authorized and empowered to enter into Agreements or Contracts with any Commissioner or Commissioners, or other Person or Persons acting for the Time being under the Authority of any Act or Acts of Parliament which now is or are or which shall hereafter be in force, or with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, willing and desirous of contracting with the said Company of Proprietors for the lighting of the said Town of *Leith*, the Vicinity thereof, or other Places and Parishes aforesaid, or any Part thereof, or for the lighting of the City of *Edinburgh* or other Places within the Bounds of the said recited Acts or any Part thereof, whether within the Royalty of the said City of *Edinburgh* or not, or any Roads, Ways, Highways, Footpaths, Pavements, Streets, Squares, Lanes, or Passages and Places, private House or Houses, common Stair or Stairs or other Access, and Tenement or Tenements, and Building or Buildings of whatever Kind, entering from, through, up, or by such common Stair or Stairs or other Access, Shops, Counting-houses, Manufactories, Warehouses, and all other Buildings, public or private, and all and every other Tenements or Tenement within the said City of *Edinburgh* and Suburbs thereof, and Places adjacent thereto, or within the said Town of *Leith*, the Vicinity thereof, or other Places and Parishes aforesaid, and all others comprehended within the Bounds of the said recited Acts and this Act, for Payment to the said Company yearly, quarterly, monthly, or weekly, and that either in advance or upon Credit, or in such other Way and Manner, and at such other Time, as to the said Committee of Management may seem proper, of such Sum or Sums of Money for such Gas as shall be mutually agreed upon between them; and that it shall and may be lawful for such Commissioner or Commissioners, or other Person or Persons appointed for executing any such Act or Acts as aforesaid, or any other Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations, or others, to enter into such Agreements or Contracts with the said Company, in the Way and Manner, and upon such Terms and Conditions, and at such Rates or Prices, and for such Period of Time, as shall be considered most expedient and beneficial.

Company to supply Gas, if required, on certain Conditions.

XXVI. 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

into such Premises at the same Rate of Charge made by the said Company for the Time for Gas furnished to other Persons: 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 other of the 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 the said Rules and Regulations without the Intervention of judicial Authority.

Company may lend out Meters and Pipes.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Company, or the said Committee of Management, to lend or let out to any Person or Persons, at such Rent as may be agreed on, any Meter or Meters for ascertaining the Quantity of Gas consumed by such Person or Persons, and supplied in virtue of the said recited Acts or this Act, and also to lend or let out, at such Rent as may be agreed on, any Gas Pipe or Pipes, or other Gas Fittings of whatsoever Kind.

Company's Meters, &c. not to be attached for Debts of other Parties.

XXVIII. And be it further enacted, That no Gas Meter or Meters, or Gas Pipe or Pipes, or Gas Fittings of any Kind whatsoever, belonging to the said Company, which may be lent or let out on Hire, or otherwise laid or placed by the said Company in any Place or Places, Building or Buildings whatsoever, for the Use and Benefit of any Person or Persons within the Bounds of the said recited Acts or this Act, shall be liable to be attached in any manner of way for any Rent or Rents, or for any Debt or Debts due or to become due by any Person or Persons to whom the same may or shall be so lent or let out on Hire or otherwise.

For Recovery of Rents for Gas.

XXIX. And be it further enacted, That in case any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whatsoever, who shall contract or agree with the said Company, or the said Committee of Management, or agree to take, or shall use or consume, or be supplied with Gas, Gas Meters, and Fittings, or any other Apparatus belonging to the said Company, shall refuse or neglect, for the Space of Fifteen Days after a Demand in Writing, to pay the Sum of Money then due for the same to the said Company, it shall be lawful for the said Company, or the said Committee of Management, or any Person or Persons 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, or the said Committee of Management, to discontinue any further Supply of Gas to the House or Premises of the Party or Parties so refusing or neglecting to pay such Sum of Money as shall be due as aforesaid.

XXX. Pro-

Penalty for supplying others with Gas.

XXX. Provided always, and be it further enacted, That if any Person or Persons whatsoever, supplied with Gas by virtue of the said recited Acts or this Act, shall supply any other Inhabitant, or any other Person whatsoever, with any Part of such Gas, without the Knowledge and Consent of the said Committee of Management, then and in every such Case every Person or Persons so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Ten Pounds over and above the Price of the Gas so supplied; and it shall be lawful for the said Company, or the said Committee of Management, to cut off and discontinue the Gas from the House and Premises of any Person so offending, notwithstanding any Contracts or Agreements which may have been previously entered into; and it shall be lawful for the Manager, or any of the Officers or Servants of the said Company, to inspect such House and Premises so lighted with Gas supplied by the said Company.

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

XXXI. And be it further enacted, That in all Cases in which it shall be lawful for the said Company, or the said Committee of Management, to cut off and discontinue the Supply of Gas in any Case under the Provisions of the said recited Acts or this Act, it shall also be lawful for the said Company or the said Committee of Management, and their Agents and Workmen, in the Daytime, to enter into or upon any House or Premises of any Kind whatsoever, which shall or may be supplied with Gas by the said Company, for the Purpose of removing, taking, and carrying away, and to remove, take, and carry away, any Gas Meter or Meters, or Gas Pipe or Pipes, or Gas Fitting of any Kind whatsoever belonging to the said Company, and the said Company shall make good all Damage thereby occasioned.

Protection of Main Pipes, &c.

XXXII. And be it further enacted, That when any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whatsoever, shall lay or place, or cause to be laid or placed, any Main Pipe or Pipes for the Conveyance of Gas within the Bounds of the said recited Acts or this Act, such Main Pipe or Pipes, where the same shall exceed Five Inches in Diameter, (except where the same are to be laid in lieu of Main Pipes already laid,) shall, when the Regulation as to Distance from Water Pipes will permit, be laid, wherever the Width of the Carriageway will allow thereof, at the Distance of Two Feet, and if the Width of the Carriageway will not allow thereof, then at the greatest practicable Distance within Two Feet, and such Main Pipe or Pipes, where the same shall not exceed Five Inches in Diameter, shall be laid, wherever the Width of the Carriageway and the Regulations as to Water Pipes will allow thereof, at the Distance of One Foot at least, and if the Width of the Carriageway 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 or Pipes which the said *Edinburgh* Gas Light Company, or the said Committee of Management, 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 across the said Water or River of *Leith*, or any other Place or Places within the Bounds of the said recited Acts or 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* Gas Light Company, such Main Pipes shall be laid either under or above the said *Edinburgh* 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 or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, shall be bound to repair all Injury done by them to the said *Edinburgh* Gas Light Company's Pipes, to the Satisfaction of the Company's Superintendent of Pipes, and that whether the Pipes shall be Main, Service, or Branch Pipes.

Distance of Service Pipes to be observed by other Companies.

XXXIII. And be it further enacted, That when any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whatsoever, shall lay or place, or cause to be laid or placed, any Service or Branch Pipe or Pipes for the Conveyance of Gas within the Bounds of the said recited Acts and this Act, the same shall (except where such Service or Branch Pipe or Pipes are to be laid in lieu of other Service or Branch Pipe or Pipes 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 or Pipes shall be laid or placed at the Distance of not less than Three Inches from any Service or Branch Pipe or Pipes leading from any Main Pipe or Pipes to any Premises of any Kind whatsoever which the said *Edinburgh* Gas Light Company, or the said Committee of Management, may have then laid or placed for supplying Gas to any such Premises, and the same shall be laid parallel with such Pipes of the said *Edinburgh* Gas Light Company, where reasonably practicable; and when any such Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons whatsoever, shall lay or place, or cause to be laid or placed, any Service or Branch Pipe or Pipes, for the Conveyance of Gas, within the Bounds aforesaid, into any common Stair or Stairs or other Access, House or Houses, Tenement or Tenements, Building or Buildings of whatsoever Kind, entering from, through, up, or by such common Stair or Stairs or other Access, such Service or Branch Pipe or Pipes shall be laid or placed at the Distance of at least Three Inches from any Service or Branch Pipe or Pipes which the said *Edinburgh* Gas Light Company, or the said Committee of Management, may have then laid or placed for supplying Gas to any such common Stair or Stairs or other Access, House or Houses, Tenement or Tenements, Building or Buildings of whatsoever Kind, entering from through, up, or by such common Stair or Stairs or other Access in virtue of the said recited Acts or this Act, and the same shall be laid parallel with the Pipes of the said *Edinburgh* Gas Light Company, where reasonably practicable, and where, in consequence of the Regulations as to Distance from Water Pipes or otherwise, it may not be 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* Gas Light Company.

To dispense with distinguishing

XXXIV. And whereas it is expedient that the distinguishing Number of each Share, as required by the said first-recited Act, should be abolished

Number of Shares.

abolished and done away with; be it therefore enacted, That from and after the passing of this Act the distinguishing Number of each Share raised under the said recited Acts shall be for ever abolished, done away, and dispensed with.

Regulating Right to vote at Assemblies.

XXXV. And whereas it would be beneficial to the said *Edinburgh* Gas Light Company if the Right of voting as regulated by the said first-recited Act at Stated General Assemblies and Special General Assemblies of the said Company were altered; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for all and every Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, and his, her, or their Executors, Administrators, and Assigns, who shall be a Proprietor or Proprietors of Stock to the Amount of Fifty Pounds or upwards, the Value of that Amount being taken at the original Value of the Capital Stock created and issued in virtue of the before-recited Acts or this Act, at the Stated General Assemblies and Special General Assemblies of the Company of Proprietors to be held as appointed by the said first-recited Act, to vote in respect of the same in manner following; *videlicet*, every Proprietor of such Stock to the Amount of Fifty Pounds shall be entitled to One Vote; to the Amount of One hundred and fifty Pounds shall be entitled to Two Votes; to the Amount of Three hundred Pounds shall be entitled to Three Votes; to the Amount of Five hundred Pounds shall be entitled to Four Votes; to the Amount of Seven hundred and fifty Pounds shall be entitled to Five Votes; to the Amount of One thousand and fifty Pounds shall be entitled to Six Votes; to the Amount of One thousand four hundred Pounds shall be entitled to Seven Votes; to the Amount of One thousand eight hundred Pounds shall be entitled to Eight Votes; to the Amount of Two thousand two hundred and fifty Pounds shall be entitled to Nine Votes; to the Amount of Two thousand seven hundred and fifty Pounds and upwards shall be entitled to Ten Votes; and every Question, Matter, and Thing which shall be proposed, discussed, or considered in any Stated General Assembly or any Special General Assembly of the said Company shall be determined by the Majority of Votes then present, computing the Votes as aforesaid; and in case of an Equality of Votes the same shall be determined by the casting Vote of the Governor of the said Company, if present at the Meeting, and in his Absence by the casting Vote of the Deputy Governor, and in the Absence of both by the casting Vote of the senior Director who may be present at the Meeting.

Qualification of Governor, &c.

XXXVI. And whereas it is further expedient to augment the Qualification of the Governor, Deputy Governor, and Directors who shall for the Time being constitute the Committee of Management of the said Company; be it further enacted, That from and after the next Statutory General Meeting of Proprietors no Person shall be qualified to be Governor or Deputy Governor of the said Company who shall not be possessed of Twenty Shares of Stock of the said Company, nor shall any Person be qualified to act as Ordinary Director of the said Company who shall not be possessed of Twelve Shares of Stock of the said Company, nor shall any Person be qualified to act as Extraordinary Director of the said Company who shall not be possessed of Six Shares of Stock of the said Company.

XXXVII. And

Power to elect Governor, Deputy Governor, or Ordinary Directors in case of Disqualification, &c.

XXXVII. And be it further enacted, That if the Governor, Deputy Governor, or any of the Twelve Ordinary Directors of the said Company, who may for the Time being in virtue of the said first-recited Act constitute the Committee of Management of the Concerns of the said Company, shall become disqualified in any manner of way from acting in the official Situations which they respectively hold in the said Company, either by disposing of their Stock so as not to be possessed of the Qualifications respectively enacted by the said first-recited Act, or by Death, or declining to act, or by becoming Bankrupt, such Governor, Deputy Governor, or Ordinary Director or Directors shall be no longer entitled to act in the said respective official Situations; and it shall be lawful to and in the Power of the remanent Members of the said Committee of Management, not becoming so disqualified, if it shall seem advisable for them so to do, to nominate another duly qualified Proprietor or Proprietors to the said official Situation or Situations, to continue in Office till the next Annual General Assembly of the said Company; and the Proprietor or Proprietors so nominated shall have the same Powers and Privileges as if he or they had been named at the General Assembly of Proprietors held upon the Third *Monday* of *June*, as directed by the said first-recited Act; and it shall be lawful to and in the Power of the Proprietors present at any Annual General Assembly or Special General Assembly of the Proprietors held in Terms of the said first-recited Act from Time to Time to adjourn such Assembly, if they shall see it necessary so to do, and the Proceedings of such adjourned Assembly shall be as good and valid as if the same had been an annual or a Special General Assembly, and had not been an adjourned Assembly.

Two Directors to go out by Rotation in each Year.

XXXVIII. And be it further enacted, That from and after the passing of this Act, at the General Assembly of Proprietors of the Company to be held on the Third *Monday* of *June* in each Year directed by the said first-recited Act for the Election of Governor, Deputy Governor, Twelve Ordinary and Twelve Extraordinary Directors, for the ensuing Year, the Two Directors whose Names shall stand at the Head of the List of Ordinary Directors shall go out by Rotation in each Year, and they shall not again be qualified to be re-elected as Ordinary Directors until they shall have been out of Office for One Year.

Contingent Fund to be applied in improving Works, &c.

XXXIX. And whereas, under Authority of the said first-recited Act, a Fund has been accumulated for answering Contingencies, and it would be highly advantageous to the said Company if such accumulated Fund were to be applied for the Extension and Improvement of the Buildings, Pipes, and other Works of the said Company; be it therefore further enacted, That from and after the passing of this Act it shall and may be lawful to and in the Power of the said Company or of the said Committee of Management to apply the said contingent Fund already accumulated, and any Sum to be laid aside as after mentioned, in improving, extending, or repairing any Deterioration upon the Buildings, Pipes, and other Works of the said Company comprehended within the Bounds of the said recited Acts and this Act; and further, to lay aside annually, out of the Profits of the said Undertaking, such a Sum or Sums as the said Committee of Management may see necessary, but not in any Case to exceed Two Pounds *per Centum per Annum* on the total Outlay of the Company,

and

and which shall always be a Fund for and applied to the Purposes aforesaid comprehended under the said recited Acts and this Act.

Rights of Magistrates reserved.

XL. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, or diminish any Rights, Privileges, Jurisdictions, and Powers which now belong to or are enjoyed by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, or the Provost and Magistrates of *Leith*, or the Magistrates of *Portobello*, in virtue of any former Act or Acts of Parliament, Royal Charters, immemorial Usages, or otherwise.

Rights of Persons to light Streets or of Companies to supply Water not to be affected.

XLI. Provided always, and be it further enacted, That nothing in this Act contained shall have the Effect of depriving the Commissioners for paving or lighting the said City of *Edinburgh* or Town of *Leith*, or their Successors, or any Person or Persons, of any Right which they or any of them at present possess, or in any Manner interfere with the Powers and Authorities of the Commissioners, or other Person or Persons, for lighting the various Places comprehended within this Act, or any Body Politic, Corporate, or Collegiate, Aggregate or Sole, established or which may be established, for the Supply of Water in or for the said various Places comprehended within this Act, or the Rights of any private Person or Persons to make, enlarge, repair, or amend any Vault under any Street within the said various Places comprehended within this Act where Gas Pipes have been or may be laid, previous Notice of such Operation Forty-eight Hours at least before their Commencement being given at the Office of the said Gas Light Company: Provided also, that nothing herein contained shall extend or be construed to prevent any Person or Persons from proceeding against the said Company, or against any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or of the Method which shall be employed by them for furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Actions against the said Company, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting, or the Carelessness or Want of Skill of the Persons employed therein.

Expences of Act how to be defrayed.

XLII. And be it further enacted, That the Expences incurred in preparing, applying for, and obtaining this Act shall be defrayed out of the first and readiest of the Monies which now are or shall come into the Hands of the said Company in virtue of the said recited Acts or this Act.

Public Act.

XLIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such by all Judges, Justices, and others.

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