ANNO QUINTO

GEORGII IV. REGIS.

Cap. lxxvi.

An Act for the better lighting the City and Suburbs of *Edinburgh* by Oil Gas. [28th *May* 1824.]

WHEREAS the City and Suburbs of *Edinburgh*, and Places adjacent, are large and populous, and it would be of great Benefit to the Citizens and Inhabitants thereof, and to the Public at large, if the Streets, Squares, Passages, and other public Places, and also Houses, Shops, and Manufactories, were better lighted: And whereas Inflammable Air or Gas, Essential Oil, Acid, and other Substances, may be procured from Oil, Tallow, Tar, Peat, Turf, Rosin, Turpentine, Wood, and other Inflammable Substances: And whereas the said Inflammable Air, being conveyed by means of Pipes, may be safely and beneficially used for lighting the several Streets, Squares, Market Places, public and private Passages, Roads, private Houses, Shops, Counting Houses, Warehouses, Public Works, Manufactories, and other Buildings within the said City and Suburbs of *Edinburgh* and Places adjacent, and the said Essential Oil, Acid, and other Substances and Products to be produced from Oil, Tallow, Tar, Peat, Turf, Rosin, Turpentine, Wood, and other Inflammable Substances, may be used and applied in various other Ways with great Advantage: And whereas the several Persons herein-after named are willing and desirous, at their own Costs and Charges, to effect the Purposes aforesaid; but the same cannot be carried fully and completely into Execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir *Walter Scott* of *Abbotsford*, Baronet, *James Dundas* of *Dundas*, *James Gibson Craig* of *Riccarton*, *Colin Mackenzie* of *Portmore*, *John Corse Scott* of *Sinton*, *James Skene* of *Rubislaw*, *William Hozier* of *Newlands* and *Barrowfield*, *John Robison Coates*, *Crescent*, *John Waugh Brougham* Merchant, *John Bonar* Banker, *William Clerk* Advocate, *Alexander Wood* Advocate, *Miles Angus Fletcher* Advocate, *Alexander Greenhill* Advocate, *Alexander Craig* Merchant, *Thomas Ponton*, *London Street*, *Robert Brittain Blyth* Merchant, *James Macdonald* Merchant, *Peter Brown* Merchant, *Roger Aytoun* Writer to the Signet, *George Dunlop* Writer to the Signet, *William Mackenzie* Writer to the Signet, *William Muir* Merchant, *Robert Jameson* Advocate, *John Mowbray* Writer to the Signet, *Donald Horne* Writer to the Signet, *James Ferrier* Principal Clerk of Session, *Thomas Allan* Banker, *Joseph Gordon* Writer to the Signet, *George Cranstoun* Advocate, Dean of the Faculty of Advocates, *Henry Cockburn* Advocate, the Right Honourable *Joshua Henry Mackenzie* One of the Senators of the College of Justice, and *Alexander Young* Writer to the Signet, and all and every such other Person or Persons, and such Bodies Politic and Corporate or Collegiate, as have already become Subscribers, or from Time to Time shall become Subscribers to and be duly admitted Members of the Company after mentioned, 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* Oil Gas Light Company,' and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue or be sued; and the said Company shall be established for the Purpose of producing Inflammable Air or Gas for lighting the said City and Suburbs of *Edinburgh* and Places adjacent; and shall have Power to sell and dispose of such Essential Oil, Acid, and other Products to be procured from Oil, Tallow, Tar, Peat, Turf, Rosin, Turpentine, and other Inflammable Substances, in the Process of making such Inflammable Air or Gas, and shall have full Power to purchase and possess Lands, Tenements, or other Heritages, taking the Rights and Titles thereof to the said Company, their Successors and Assignees, for the Use of the said Undertaking, and also to erect, make, complete, and maintain all Buildings, Works, and Operations necessary or proper for the said Undertaking, but for no other Use or Purpose.

Proprietors.

Incorporated.

II. And be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby empowered, as often as may be necessary, to contract and agree for the absolute Purchase of any Lands, Tenements, or Heritages within the said City and Suburbs of *Edinburgh* and Places adjacent, with any Body or Bodies Politic, Corporate, or Collegiate, Corporations, Companies, Heirs of Entail, Life-renters, Fiars, Husbands, married Women, Trustees, Tutors, Factors *Loco Tutoris*, and Curators, and with all and every Person or Persons whomsoever, though under any legal Disability or Incapacity, who shall be willing to sell the same for the Uses and Purposes of this Act: Provided always, that the Land so to be acquired shall not exceed Ten Acres; and it shall and may be lawful to and for the said Company to hold such Lands, Tenements, and Heritages so purchased, without incurring or being subject to any Penalties, Irritancies, or Forfeitures whatsoever.

Company may contract for the Purchase of Lands, &c.

III. And

Application of Compensation Money when exceeding 200*l.*

III. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Pupil, Minor, Lunatic, or other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds Sterling, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, to the Intent that such Money shall be applied, under the Directions and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed or 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 purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

When under 200*l.* and above 20*l.*

IV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any other Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and shall exceed the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being who may be entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Trustees, Tutors, Factors *Loco Tutoris*, or Curators, in case of Pupilarity, Minority, or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Four or more of the said Committee of Management of the said Company (such Nomination and Approbation to be signified

nified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising therefrom may be applied in any Manner herein-before directed, so far as the Case may be applicable.

When under 20*l.*

V. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee of Management, or any Four or more of them shall think fit; or in case of Pupilarity, Minority, or Lunacy, then to his, her, or their Trustees, Tutors, Factors *Loco Tutoris*, or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where there is a questionable Title, Persons in Possession to be deemed entitled.

VI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, under the Direction and by the Authority of the Court of Session in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, Title, 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 and Profits thereof, the Person or Persons who shall have been in the Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the said Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate, Right, Title, or Interest therein.

Expences of Purchases may be allowed by the Court.

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

VIII. And

On Payment of Purchase Money Premises to be vested in the Company.

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

Company may sell, feu, or let the Lands, &c. so purchased.

IX. And whereas the said Company under the Provisions of this Act may purchase Lands, Tenements, and other Heritages which may be afterwards found not necessary, or not wanted to be immediately used for the Purposes thereof; be it therefore further enacted, That it shall and may be lawful for the said Committee or Quorum of Committee of Management of the said Company herein-after named, or any other Committee or Quorum of Committee of Management that may be hereafter appointed in Terms of this Act, for and in Name and Behalf of the said Company, again to sell, assign, convey, transfer, feu, or let on Lease for any Number of Years, to any Purchaser or Purchasers, Feuer or Feuers, Lessee or Lessees, such Lands, Tenements, or Heritages, or any Parts or Portions thereof, and that in such Manner, and at such Price or Prices, or for such Annual Feu Duties, Annuities, Grassums, or Rents, and after such previous Intimation as the said Committee or their said Quorum may appoint; and it shall and may be lawful for the Committee of Management of the said Company or their Quorum, to appoint any Four of their Numbers and their Clerk to grant and subscribe Dispositions, Feu Contracts, Procuratories of Resignation, Precepts of Sasine, Charters, Feu Rights, Leases, and other Deeds, to such Purchaser or Purchasers, Feuer or Feuers, Lessee or Lessees, according to the Form of such Deeds prescribed by the Law of *Scotland*, in the same Manner as if the Proprietors of the said Company had been publicly entered and infeft according to the legal Forms and established Practice of the Law of *Scotland*, and such Deed so to be granted shall be valid and effectual to the Receivers thereof, and shall be admitted, acknowledged, and confirmed by the Superiors and others concerned, any Law or Custom to the contrary notwithstanding; but the said Company shall not be authorized to purchase any Lands in lieu of those which they may so dispose of.

Bodies Politic, &c. empowered to sell.

X. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations, Companies, Heirs of Entail, Life Renters, Fiars, Husbands, married Women, Trustees, Tutors, Factors *Loco Tutoris*, and Curators, and all and every Person or Persons whomsoever though under any legal Disability or Incapacity, who is, are, or shall be seised or possessed of or interested in any Lands, Tenements, or Heritages which the said Company shall by this Act be enabled to purchase 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 repectively do in relation to any such Sale, which he, she, they, or any of them shall make by virtue of and in pursuance of thisAct; and all such Contracts, Agreements, Sales, and Conveyances of any such Lands, Tenements, or other Heritages, to the said Company, shall be made according to the legal Forms and established Practice of the Law of *Scotland*.

Company not to sell Lands purchased in order to buy other Lands.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to purchase from any Body or Bodies Politic, Corporate or Collegiate, Corporations, Companies, Heirs of Entail, Life Renters, Fiars, Husbands, married Women, Trustees, Tutors, Factors *Loco Tutoris*, and Curators, or other Persons being under legal Disability or Incapacity, more than such Ten Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Ten Acres so purchased, it shall not be lawful for the said Company to purchase of or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations, Companies, Heirs of Entail, Life Renters, Fiars, Husbands, married Women, Trustees, Tutors, Factors *Loco Tutoris*, and Curators, or other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Ten Acres, or any Part thereof, so sold or disposed of by the said Company.

Proprietors may raise Money not exceeding 80,000*l.*

XII. And be it further enacted, That it shall and may be lawful to and for the said Company to raise a competent Sum of Money for purchasing Lands, Tenements, and other Heritages as aforesaid, and for erecting, making, completing, and maintaining the Buildings, Gasometers, Reservoirs of Gas, Pipes for conveying the Gas, Gasmeters and all other Works, Conveniences, and Operations belonging or requisite thereto, as shall be necessary for the Purposes aforesaid, not exceeding in the Whole the Sum of Eighty thousand Pounds Sterling; which Sum of Eighty thousand Pounds Sterling, or so much thereof as shall be raised, or has already been raised, shall be divided into Shares of Twenty-five Pounds Sterling each; and the said Shares shall be and are hereby vested in the several Persons, Bodies Politic, Corporate, or Collegiate, so raising and contributing the same, and their several and respective Successors, Executors, Administrators, or Assignees, who have already subscribed, or shall severally subscribe for One or more Share or Shares towards completing and maintaining the said Undertaking; and the foresaid Persons or Bodies shall severally be entitled to receive, after the said requisite Works and Conveniences shall be completed, and after a Sum not exceeding One Tenth Part of the free Profits shall be accumulated in the Manner herein-after mentioned, as a Fund for answering Contingencies, the entire and net Distribution of an equal proportional Part, according

to the Money so by them respectively contributed, of the Profits and Advantages which shall and may arise and accrue from the Rates and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Body Politic, Corporate and Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in Manner herein directed and appointed.

80,000*l.* to be subscribed before exercising any Powers under this Act.

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

The Company may borrow Money not exceeding 16,000*l.*

XIV. And be it further enacted, That it shall and may be lawful to and in the Power of the said Company, or of the Committee of Management for the Time, by and with the Advice and Direction of any General Meeting of the said Company, to borrow and take up in Loan, at such Rate of Interest as may be agreed on, but which shall not exceed the legal Rate of Interest for the Time, any Sum or Sums of Money not exceeding the Sum of Sixteen Thousand Pounds Sterling in the Whole, for the Use and Behoof of the said Company, and for the same Purposes as the Company are hereby authorized to raise among themselves the said Sum of Sixteen Thousand Pounds Sterling, and to grant, execute, and deliver to and in favour of the Lender or Lenders, or those having Right, such Bonds, Obligations, or other Deeds in Writing as may be required, binding the said Company for Payment of the Sum or Sums so borrowed with Interest; and it shall and may be lawful to and in the Power of the said Committee of Management, with such Advice and Direction, to assign and convey the said Undertaking, and the whole Estate, Property, and Profits thereof, in Security of such Sum or Sums so raised upon Loan, in the Form or to the Effect following; *videlicet*,

‘ WE, the *Edinburgh* Oil Gas Light Company, incorporated by an Act, ‘ passed in the Fifth Year of the Reign of His Majesty King *George* ‘ the Fourth, intituled [*here insert the Title of this Act*], do hereby acknow- ‘ ledge 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 (or to Heirs secluding Executors, if so desired by the ‘ Lender), or Assignees, upon the Day of ‘ next, with Interest of the said Sum at the Rate of ‘ *per Centum per Annum*, from the Day of ‘ until the said Day of Payment, and yearly, termly, daily, and con- ‘ tinually thereafter until Payment is made [*here insert such other Con-* ‘ *ditions as may be agreed on*]; and in further Security of the Payment of ‘ the said Sum and Interest, we hereby assign to the said *A. B.* and his ‘ foresaids, the whole Property, Estate, and Effects of us the said *Edinburgh* ‘ Oil Gas Light Company as a Company, and the whole Rates and ‘ Profits arising and payable to us by virtue of the said Act, with Power ‘ to the said *A. B.* and his foresaids to possess the said Property, Estate, ‘ and Effects, and Rates and Profits thereof, until the said Sum, Interest ‘ thereon, and all just and necessary Expences to be incurred in the Pre- ‘ mises, are fully satisfied and paid. In witness whereof these Presents,

‘ written

'written on Paper stamped according to Law by *C. D.*, are subscribed
' Members of the Committee of Management of the said
'*Edinburgh* Oil Gas Light Company, and by their Clerk, at
'the Day of before these Witnesses,
' and .'

Which Instruments, being signed by the Clerk, and any Four Members of the Committee of Management authorized by the Committee, or by a Quorum of the said Committee of Management of the said Company, and being registered in Manner after mentioned, shall be a valid Obligation on the said Company, and shall be a real and effectual Security over their Estate and Effects, and Rates and Profits, any Law or Custom to the contrary notwithstanding; and the Sums of Money for which such Instruments are granted shall be preferable Debts upon the Estate and Effects and Rates and Profits of the said Company, in a Competition with all others the Creditors of the said Company, or with the Proprietors of the said Company, or any of them; it being hereby provided, that the Sums so to be raised by Loan, if borrowed in Two or more Sums, shall not be preferable the one over the other by reason of Priority of lending or otherwise, but that the whole Sums so to be borrowed shall form one cumulative Security over the said Company's Estate and Effects and Rates and Profits; and the Person or Persons having Right to the several Sums so borrowed shall each be bound to account to the other for his or their Intromissions with the said Estate and Effects, and Rates and Profits, according to the several Sums due to each by the said Company.

Conveyances to be registered in a Book.

XV. And be it further enacted, That every such Bond and Conveyance in Security to be granted in Manner before mentioned, for the Whole or any Part of the said Sum of Sixteen thousand Pounds Sterling, shall be entered and registered in a Book to be kept for that Purpose by the Clerk to the said Company, who shall be bound to grant a Certificate of such Registration on every such Deed which shall be so registered, to which Book any Person interested shall at all seasonable Times have Access and free Liberty to inspect and take Excerpts therefrom, upon Payment to the said Clerk of a Fee of One Shilling; and for the entering and registering of every such Bond and Conveyance in Security the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and such Clerk is hereby required to make such Registration without any undue Delay, and within Three Days after the same shall be presented to him, under a Penalty of Five Pounds Sterling, to be forfeited to and recovered by the Holder of the Deed so presented; and the said Clerk shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons interested and requiring the same, upon Payment of the Sum of One Shilling for every Page thereof containing One hundred and fifty Words.

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

XVI. And be it further 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), by their Servants, Agents, Workmen, and others, 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,

Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works, and to sink and lay Pipes of such Construction and in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into Execution; and also in a careful and workmanlike Manner, doing thereby as little Damage as may be, to break up the Soil, Pitchings, Causeways, Kirbstones, and Side Pavements of any Streets, Squares, Highways, Roads, Ways, Footpaths, Lanes, Closes, Vennals, Courts, Passages, and Places, within the said City and Suburbs of *Edinburgh*, and Places adjacent thereto as aforesaid, and 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, Highways, Roads, Ways, Footpaths, Lanes, Closes, Vennals, Courts, Passages, and Places, 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 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 Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Square, Highway, Road, Way, Lane, Close, Vennal, Court, Footpath, Passage, or Place by the said Company by virtue of this Act, into any Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings, for the Purpose of lighting the same from any such Mains or Pipes, and to fix, place, and maintain any Apparatus or Convenience necessary or requisite, or deemed advisable by the said Company, for securing to any Dwelling House or Houses, Shops, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply; and also to alter, amend, or enlarge or add to any Work which shall have been placed, when the same shall be bad or imperfect, or which shall be injured or damaged, in such Dwelling House or Houses, Shops, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things of the same or the like Nature, as shall from Time to Time 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 a proper Compensation be made by the said Company for any Damage to be done by the said Acts respectively, as the same shall be ascertained by the Sheriff Depute 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, or their Successors, to carry or lay any Pipe or Pipes, Cocks or Branches from any Main or Pipe, against any Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings as aforesaid, or to continue the same when so carried or laid, without the Consent of the Owner and Owners and Occupier and Occupiers for the Time being of every such Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings as aforesaid.

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

XVII. Provided always, and be it further 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, Yard or Ground, for the Purpose

Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, 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, Yard, or Ground, 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 Seven 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 and for such Owner or Occupier, or any other Person or Persons 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.

To carry Pipes across the Water or River of Leith.

XVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized, for the Purposes of this Act, to carry a Pipe or Pipes either across the Bed of the Water or River of *Leith*, by a Tunnel or otherwise, or along any Bridges already built, or any Bridge or Arch which the said Company may find it necessary to build, and which they are hereby authorized to do, across the said Water or River of *Leith*, or any other Bridge that may be built across the said Water or River of *Leith* at or near and within the Bounds comprehended in this Act, and to affix such Pipe or Pipes thereto in such Manner as the said Company or their 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, as not to injure the same, and so as not to interfere with or interrupt the free Passage of the River, or the said Bridges or any of them.

To prevent Escape of Gas from Pipes across Bed of River.

XIX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipe or Pipes so to be laid across the Bed of the Water or River of *Leith*, the said Company shall at their own Expence, immediately after receiving Notice by Parole or in Writing (to be left or given at their Office or usual Place of transacting Business) of such Escape of Gas, from any Person or Persons whomsoever, cause such Pipe or Pipes to be taken up and amended, so as effectually to stop and prevent such Gas from escaping; and in case the said Company shall not within Twenty-four Hours after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent such Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such case the said Company shall for every such Offence forfeit and pay the Sum of Twenty Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which such Gas shall be suffered to escape as aforesaid; which Penalty shall be from Time to Time recoverable in a

summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before the Lord Provost and Magistrates of the said City of *Edinburgh*, or any One or more of them, not being Members of the said Company, or before the Sheriff Depute of the said County of *Edinburgh* or any one of his Substitutes, as the Case may require, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by Warrant of any such Provost, Magistrates, Sheriff Depute or Substitute as aforesaid, to be granted in the like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered from the said Company.

Notice to be given before commencing Operations.

XX. Provided always, and be it further enacted, That the said Committee of Management shall be obliged, Forty-eight Hours before commencing such Operations, to give Notice in Writing to the Superintendant of Public Works, or such other Person as may be appointed for that Purpose by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, for all such Places within the City and Royalty of *Edinburgh*, or to the Clerk of the Trustees of the District of the Road or Roads through which the said Operations shall be carried for all other Places whatsoever, and at all Times and wheresoever situated to the Proprietors or Possessors of the Premises where the said Operations are to commence and terminate; provided also, that no Public Streets, Roads, or Highways shall be broken up without the Consent of the Magistrates, Trustees, or other Person or Persons under whose Care the same may be; and that no private Road or Way shall be broken up, or any Pipe or Pipes laid or carried in, through, over, or upon the same, without the Consent of the Owner or Owners, and Occupier and Occupiers thereof.

After Consent, allowed to break up Pavements.

XXI. Provided always, and be it further enacted, That in all Cases where any Consent is required to be, or shall be or have been obtained by the said Company, to break up or take up or remove any Soil, Pitchings, Causeways, Kirbstones, or Side Pavements in all or any of the Streets, Squares, Highways, Roads, Bridges, Ways, Footpaths, Lanes, Closes, Vennals, Courts, Passages, and Places in the said City and Suburbs and Places adjacent thereto, in order to lay down any Main or Mains, Pipe or Pipes, to convey Gas, or for any other Purpose which may be required under this Act, nothing contained in this Act shall, after such Consent being once obtained, be deemed or construed to require the said Company to obtain any further Consent for laying down, repairing, or relaying such Main or Mains, Pipe or Pipes.

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

XXII. Provided always, and be it enacted, That the said Company shall not only be at the Expence of opening and raising the Streets, 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 blinding the Pavement of the Streets so relaid, all to the Satisfaction of the said Lord Provost, Magistrates, and Council, or their Superintendant of Public Works, or of the Trustees of the Roads or their Superintendant, or of such other Persons as may be interested, as the

the Case may be; provided always, that if any of the Pipe Tracks in the said Streets or Roads 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.

Marks to be inserted in the Streets to distinguish Line of Pipes.

XXIII. And whereas other Gas or Water Companies have already obtained or may hereafter obtain Leave to lay down Mains or Pipes in the same Streets, Roads, Ways, or Passages in which the Mains or Pipes of the said Company may be laid, and it is necessary that the Tracks of the said Mains or Pipes should be distinguished; be it therefore enacted, That on the upper Side of any Mains or Pipes to be laid by the said Company, at a Distance not exceeding Forty 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 Superintendance of Persons employed by Magistrates to see Streets properly relaid.

XXIV. And whereas the frequent breaking up and relaying of the Streets within the ancient and extended Royalties of the said City must necessarily occasion a considerable additional Expence to the Lord Provost, Magistrates, and Council 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 Lord Provost, Magistrates, and Council, such Expence as shall be incurred by the said Lord Provost, Magistrates, and Council in the necessary Superintendance of the Operations of the said Company, and the Amount thereof, in case of Difference, shall be ascertained by the Sheriff Depute of the County for the Time being.

Power to alter, repair, and maintain Works.

XXV. And be it further enacted, That it shall be lawful for the said Company and their Committee of Management, and Persons employed by them, 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 of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered, under the Limitations aforesaid, to enter into and upon all Lands and Grounds, Highways, Roads, Passages, Streets, Squares, Lanes, Ways, Closes, Vennals, Courts, Pavements, and other Places, belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate, which the said Company of Proprietors shall think necessary for conveying Gas from the Place or Places, Building or Buildings and Erections where the same is made, to the said City and Suburbs of *Edinburgh* and Places adjacent, or any Parts thereof as aforesaid, and to set out such Parts thereof as shall be necessary and proper for laying the said Pipes and for constructing the Works and other Conveniences aforesaid; and also, after Intimation in Writing as aforesaid, from Time to Time to open, scour, cleanse, repair, maintain, enlarge, contract, and alter such Pipes, Works, and Conveniences, or to make such additional Works and Conveniences as may be necessary for the Purposes aforesaid, to bore, dig, cut, trench, sough, get, remove, take, carry away,

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 Deputies, 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 Place or Places, Building or Buildings and Erections where the same is made, into and through the said City and Suburbs of *Edinburgh* and Places adjacent, for the Use of the Inhabitants thereof, and for the Purpose of lighting the said Streets, Place or Places, Building or Buildings, and others aforesaid; and from Time to Time, under the Limitations aforesaid, 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, 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 Buildings, and other Tenements of the Inhabitants of the said City and Suburbs and Places adjacent, and for lighting the Streets and other Places thereof: 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 of Proprietors and their Committee of Management to break up or remove to a greater Extent than One hundred and fifty Feet in Length thereof at any one Time 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, their Committee of Management, 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;

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 Twenty-four 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 said Sheriff Depute 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 of Proprietors, and their Deputies, 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 or their Successors to carry or lay any Pipe or Pipes, Cocks or Branches from any Main or Pipe, against, into, or through any Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings, or private Grounds as aforesaid, or to continue the same when so carried or laid, without the Consent of the Owner and Owners and Occupier and Occupiers for the Time being of every such Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings, or private Grounds as aforesaid.

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

XXVI. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company in pursuance of this Act, the said Company shall, at their own Expence, after receiving Notice by Parole or in Writing, to be left at their Office or usual Place of transacting their Business, by any Inhabitant or Person whosoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not, within Forty-eight Hours after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent such Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Forty-eight 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, on the Oath or Affirmation of One or more credible Witness or Witnesses before the Magistrates of the said City of *Edinburgh*, or any One or more of them (not being Members of the said Company), or before the Sheriff Depute of the County of *Edinburgh*, or his Substitute, as the Case may require, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by Warrant of any such Magistrate, Sheriff Depute or Substitute 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.

XXVII. And

Conveyance of waste Liquids.

XXVII. And be it further 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, Lanes, Alleys, Closes, Vennals, Courts, and other Places within the said City and Suburbs of *Edinburgh* and Places adjacent, 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, 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 made or to be made in the said City and Suburbs or Places adjacent, or any Sewers made or which may be made by Individuals communicating therewith.

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

XXVIII. Provided always, and be it further enacted, That if the said Company shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, 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 the Works of the said Oil Gas Light Company, or in the Process of obtaining the said Gas, which may be noisome or offensive in their Nature, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, or Spring-head or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, or Spring-head or Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then in each and every such Case the said Company shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered by summary Complaint in the Court of Session, and the Whole of such Penalty shall be paid to the Person or Persons who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable, unless the same be sued for within Twelve Calendar Months from the Time 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, or any Reservoir, Canal, Aqueduct, Feeder, Pond, Spring-head, 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 to the said Company,

and

and the said Company shall not, within Twenty-four Hours after such Notice shall have been given to them as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted or conveyed, or from running or flowing in Manner aforesaid, and every such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company shall forfeit and pay the Sum of Two 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 that 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 or Persons who in the Judgment of the Magistrate or Magistrates, or Sheriff Depute or his Substitute, before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so to be done or committed.

Power to contract for supplying Gas.

XXIX. And be it further enacted, That the said Company, or their Committee of Management, may and are hereby authorized and empowered to enter into Agreements or Contracts with the Commissioners appointed for executing an Act passed in the Third Year of the Reign of His Majesty, 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 Person or Persons having for the Time the Controul, Direction, or Management of the lighting of the said City and Suburbs of *Edinburgh* and Places adjacent, or of the Bounds comprehended under this Act, or with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations or Companies, willing and desirous of contracting with the said Company of Proprietors for the lighting of the said City, Suburbs, and Places adjacent, or any Part thereof, or any of the Streets, Squares, public Market Places, Roads, or Manufactories, Breweries, or private Houses, or Places of public Exhibition, Churches, Chapels, Shops, Houses, Counting Houses, or Warehouses, or other Places within the City and Suburbs or Places adjacent aforesaid, for Payment to the said Company of Proprietors, or such Person or Persons as may be appointed by them to receive the same, such Sum or Sums of Money for such Gas as shall be mutually agreed upon between them; and in case of Default in Payment of any Sum or Sums 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 House or Houses, Office, Work, or Manufactory, or public or private Buildings of every Person or Persons making such Default, by separating or otherwise cutting off the Pipe or Pipes conveying the said Gas to such Person or Persons; and if any Person or Persons 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 or Pipes communicating therewith, without having obtained the written Consent of the said Company, every such Person or Persons shall forfeit and pay to the said Company, their Successors, Executors, Administrators, or Assigns, the Sum of Ten Pounds Sterling for every Day such Pipe shall so remain, over and above the Value of the Gas thereby consumed.

3 G. 4. c. 78.

XXX. Pro-

Gas to be supplied cheaper than Oil Lights.

XXX. Provided always, and be it further enacted, That the said Company shall and they are hereby directed and required to supply all the public Streets, Squares, Market Places, Roads, and Places, in the said City of *Edinburgh*, with Gas of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil; and every Contract or Agreement which shall be entered into for lighting with Gas any public Street, Square, Market Place, Road, or Place by the said Company, shall contain a Clause providing that it shall be obligatory on the said Company that such public Street, Square, Road, Lane, Passage, or Place, shall at all Times be better and more cheaply lighted with Gas by the said Company than the same could be done with Oil.

Service Pipes to be kept fully charged with Gas.

XXXI. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put up by the said Company for lighting the Streets, Squares, and other public Places of the said City and Suburbs and Places adjacent thereto, any or either of them, under any Contract or Agreement with any Person or Persons, 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.

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

XXXII. Provided always, and be it further enacted, That if any Person or Persons whomsoever, supplied with Gas by virtue of this Act, shall supply any other Inhabitant or any other Person whatsoever with any Part of such Gas, then and in every such case every Person or Persons so offending shall for every such Offence forfeit and pay the said Company of Proprietors any Sum not exceeding Ten 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 the Manager or any of the Officers or Servants of the said Company to inspect the Buildings lighted with Gas or Inflammable Air supplied by the said Company, provided that such Inspection shall be made during the Day Time and that Notice thereof shall be given to the Occupier of the Building so to be inspected, One Hour at least before such Inspection; and if in any Building or Place a greater Number of Jets or Lights of the said Gas or Inflammable Air, supplied by the said Company, shall be burned than shall have been agreed for with the said Company, or if the Meter or Meters which may be used for ascertaining the Quantity of Gas so consumed or supplied in any such Building or Place shall be in anyways opened, altered, injured or destroyed, the Occupier or Occupiers of such Building or Place so opening, altering, injuring, or destroying such Meter or Meters, or in the Knowledge thereof, and of such greater Number of Jets or Lights being so burned, shall forfeit and pay to the said Company a Penalty not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling, for each Offence, upon Conviction by the Sheriff Depute of *Edinburgh* for the Time, over and above the Value of the Gas surreptitiously consumed as aforesaid.

Penalty for interrupting Company's Workmen

XXXIII. And be it further enacted, That if any Person or Persons shall wantonly or maliciously hinder or interrupt the said Company of Proprietors, or their Deputies, Agents, Workmen, or Servants, or any of them,

them, in doing and performing any of the Works or in the Exercise of any of the Powers and Authorities conferred by this Act, or shall in any ways cause or procure the same to be done, every Person or Persons so offending shall each for every such Offence forfeit and pay to the said Company of Proprietors, or to the Person or Persons by them authorized in that Behalf, any Sum not exceeding Ten Pounds Sterling, nor less than Two Pounds, upon Conviction by the Sheriff Depute of *Edinburgh* for the Time, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption.

Penalty for injuring the Works.

XXXIV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, damage, or destroy any Works to be erected and made 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 or Persons shall forfeit and pay to the said Company any Sum not exceeding Ten Pounds Sterling, nor less than Five Pounds, upon Conviction by the Sheriff Depute of *Edinburgh* for the Time, for every such Offence, and also the full Amount of the Damage which shall be sustained thereby.

Proprietors not answerable for more than their respective Stocks.

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

Shares to be Personal Estate.

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

Proprietors to have Votes according to the Number of their Shares.

XXXVII. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for One or more Shares in the said Undertaking, and his, her, or their respective Successors, Executors, Administrators, and Assignees, and also any one of the Tutors or Curators of Pupils or Minors, and the legal Guardians of any furious or fatuous Persons, present at the Stated General Assemblies and Special General Assemblies to be held as herein appointed, shall for One Share have One Vote, for Five Shares Two Votes, and for Ten or any greater Number of Shares Three Votes; and every Person who shall be entitled to vote as aforesaid, and who cannot attend such Assemblies personally, shall be entitled to vote by Proxy, such Proxy being himself a Proprietor of a Share in the said Undertaking, and his Appointment to be made by a Letter or other Writing under the Hand of the Person so appointing him; provided always, that no Individual shall hold more than Three Proxies at one and the same Time; and every Question, Matter, and Thing which shall be proposed,

posed, discussed, or considered at such Assemblies of the said Company of Proprietors, shall be determined by the Majority of Votes and Votes by Proxy then present, computing the Votes as aforesaid.

How Joint Proprietors or Bodies Corporate are to vote.

XXXVIII. And be it further enacted, That whenever any Two or more Persons shall be jointly possessed of or entitled to One or more Shares in the said Undertaking, such Proprietors shall be entitled to vote by the Person whose Name shall stand first in the Books as Proprietors of the said Share or Shares, or by a Proxy appointed by him or her as aforesaid; and when any Company, or Body Politic, Corporate, or Collegiate, shall be possessed of or entitled to One or more Shares in the said Undertaking, such Company or Body shall be entitled to vote by a Proxy appointed by the said Company, or Bodies Politic, Corporate, or Collegiate.

Places of General Assemblies. Parties to pay their Expences.

XXXIX. And be it further enacted, That all the Stated General Assemblies and Special General Assemblies shall be held in *Edinburgh*; and that at all and every such Stated General and Special General Assemblies the Parties composing them shall pay their own Expences, the Hire of the Room in which the Meeting shall be held only excepted.

First and other General Assemblies.

XL. And be it further enacted, That the First General Assembly or Meeting of the said Company after the passing of this Act shall be held at *Edinburgh* as aforesaid, upon such Day at Noon as the Committee of Management herein-after named may appoint; and all future General Assemblies of the said Company (except such Special General Assemblies as herein-before mentioned) shall be held on the Second *Monday* of *June* in every Year, at the Hour of Two o'Clock Afternoon; of all which General Assemblies Ten Days previous Notice at the least shall be given by public Advertisement, mentioning the Place and Hour of Meeting, in Two or more of the Newspapers usually published in *Edinburgh*.

Meetings of Proprietors may be specially convened.

XLI. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution a Special Meeting of the said Company of Proprietors is necessary to be holden, it shall and may be lawful to and for any Ten or more of the said Proprietors who may be collectively possessed of One hundred Shares of the Capital Stock of the said Company for the Time, or any Five of the Committee of Management for the Time, who shall be appointed as herein-after mentioned, upon specifying in a Writing subscribed by them the Purport thereof, to require the Clerk of the said Company to call such a Meeting, and the said Clerk shall thereupon convene such Meeting, by giving at least Ten Days Notice by Advertisement to be inserted in Two of the Newspapers usually published in *Edinburgh*, or in such other Manner as the said Company of Proprietors or the Committee of Management shall at any Time direct and appoint, specifying the Time when and Place where the same is to be holden; and if the said Clerk shall neglect or refuse to call such Special Meeting as aforesaid when so required, it shall be lawful for any Ten or more of the said Proprietors, who may be collectively possessed of One hundred Shares of the said Capital Stock, to call such Special Meeting, giving Ten Days Notice thereof in Two or more of the said Newspapers, and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present personally or by Proxy as aforesaid shall

shall proceed to the Execution of the Powers conferred by this Act on the said Company of Proprietors, with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them, according to the Number of Votes which they may be entitled to as aforesaid, shall be binding and conclusive upon the rest of the Members to all Intents and Purposes, and shall be as valid and sufficient with respect to the Matters specified in such Notice as if the same had been done at any Annual General Meeting, and shall be observed and acted upon accordingly; and that at all such General and Special Assemblies of the said Company of Proprietors the Chairman of the said Company, and in his Absence the Deputy Chairman, to be appointed in Manner herein-after directed, shall preside; and if the Chairman and Deputy Chairman shall not be present, then the Member of Committee of Management present, whose Name shall stand first in the List of the Committee of Management shall be Chairman of such Meeting, and failing any such, a Person to be named by the Majority of the Meeting; and such Chairman shall not only be entitled to vote as aforesaid, as a Proprietor or Proxy, but in case of an Equality of Votes shall have a decisive or casting Vote.

Number of Proprietors requisite to constitute a General Meeting.

XLII. Provided always, and be it further enacted, That if at any General Meeting or Special General Meeting Twenty Proprietors shall not assemble and proceed to Business in One Hour from the Time appointed for such Meeting, or if that Number be not present when the Whole or any Part of the Business to be transacted shall be decided upon, the Meeting shall be adjourned to the same Day in the following Week, or to some other Day to be fixed by the Committee of Management or a Quorum of them, of which Adjournment Notice shall be given in Manner foresaid.

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

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

Appointment of Chairman, Deputy Chairman, and Directors, until 1826.

XLIV. And be it further enacted, That Sir *Walter Scott* Baronet, of *Abbotsford*, shall be Chairman, and the said *James Dundas* of *Dundas* Deputy Chairman and *Robert Brittain Blyth* Merchant, *John Waugh Brougham* Wine Merchant, *Thomas Ponton* Builder, *James Gibson Craig* of *Ricarton*, *John Robison Coates Crescent*, *William Muir* Merchant, *John Corse Scott* of *Sinton*, *Peter Brown* Merchant, *William Mackenzie* of *Crackaig*, Writer to the Signet, *James M'Donald* Merchant, *Miles Angus Fletcher* Advocate, *David Ramsay* Writer to the Signet, *George Dunlop* Writer to the Signet, *William Hozier* of *Newlands* and *Barrowfield*, *James Skene* of *Rubislaw*, *Roger Aytown* Writer to the Signet, *Colin Mackenzie* of *Portmore*, *William Clerk* Advocate, *Warren Hastings Anderson*, *Charlotte Square*, *Alexander*

Alexander Wood Advocate, *John Bonnar* Banker, *Alexander Craig* Merchant, and *Alexander Greenhill* Advocate, shall, with the said Chairman and Deputy Chairman, be Directors of the said Company; and the said Chairman, Deputy Chairman, and Directors, shall constitute a Committee for the Management of the Concerns of the said Company, until the General Meeting of the Proprietors of the said Company to be holden upon the Second *Monday* of *June* One thousand eight hundred and twenty-six.

Future Appointment of Chairman and Deputy Chairman.

XLV. And be it further enacted, That upon the said Second *Monday* of *June* One thousand eight hundred and twenty-six, the said Chairman and Deputy Chairman shall go out of Office, and their Names shall be added to the Bottom of the List of Directors above set forth; and the Five Directors at the Head of the said List shall also then cease to be Directors; and an equal Number of new Directors shall be elected from among the Proprietors by the said Company in their Stead, and the Names of such new Directors shall be added at the Bottom of the said List of Directors; and the said Directors consisting of the remaining old Directors, and former Chairman and Deputy Chairman, and the Five new Directors so added, shall forthwith after the Election of such new Directors make Choice of one of their Number to be Chairman, and another of their Number to be Deputy Chairman of the said Company for the ensuing Year; and in like Manner upon the Second *Monday* of *June* in every Year thereafter, the Chairman and Deputy Chairman shall go out of Office and be added to the Bottom of the List of Directors as aforesaid, and the Five Directors at the Head of the said List shall cease to be Directors, and Five other Directors shall be elected by the said Company, and be placed at the Bottom of the said List as aforesaid; and the said Directors shall, after such Election as aforesaid, make Choice of a Chairman and Deputy Chairman for the ensuing Year as aforesaid; and the Directors so ceasing to be Directors shall not again be eligible until they shall have been a Year at least out of Office: Provided always, that no Person shall be qualified to act as a Director or Member of the Committee of Management of the said Company, who shall not be possessed of Ten Shares at least in the Stock of the said Company; and in the Event of any of the said Directors disposing of his Stock, so as not to be possessed of such Number of Shares qualifying him to be a Director or Member of Committee as aforesaid, such Person shall be no longer entitled to act as a Director or Member of Committee of the said Company: Provided also, that no Person shall be qualified to be elected or to serve as a Director or Member of the Committee of Management of the said Company, who shall hold any Place of Profit under the said Company, or who shall be a Dealer in any Article, Matter, or Thing used or manufactured by the said Company, or who shall be concerned or interested in any Contract to be made or entered into under this Act, or who shall offer to take or shall actually participate in any Manner in any Work to be done for the said Company, whether by Contract or otherways, or who shall become Bankrupt, or who shall be a Shareholder or Proprietor in any other Gas Company in *Edinburgh*, or within Ten Miles thereof.

No Person holding Places of Profit, or Member of any Gas Company in Edinburgh, shall be eligible as a Director.

Quorum of the Directors or Committee of Management.

XLVI. And be it further enacted, That for the better Management of the Affairs of the said Company, it shall and may be lawful for the said Directors or Committee of Management for the Time being, and they are hereby authorized and required, from Time to Time to assemble and meet together

together at any Place or Places in *Edinburgh*, for the Direction and Management of the Affairs of the said Company; and at such Meetings of the Committee of Management, the Chairman or Deputy Chairman, if present, shall preside, and failing them, the Director or Member of Committee present whose Name shall stand first on the List of the Committee of Management shall preside; and any Five or more of the Directors or Members of Committee, but not less, shall be a sufficient Number or Quorum to constitute a Meeting for the Purpose of doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities vested in them as a Committee of Management; and all Questions, Matters, and Things, which shall be proposed, discussed, or considered by the said Directors or Committee of Management at their Meetings, shall be decided and determined by the Majority of Directors or Members of Committee then present, but no Director or Member of Committee shall have more than One Vote at any such Meeting, except in Cases of Equality of Votes as before provided for: Provided always, that if on the Day appointed for any such Meeting of the Committee of Management, such a Number shall not attend as are hereby required to constitute a Meeting for exercising the Powers hereby vested in the said Committee of Management, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to any future Day fixed by the Director or Directors, or Majority of the Members of Committee then present, or if no Director or Member of Committee shall be present, by the Clerk to the said Company, or such other Person as shall attend in his Place: Provided always, that it shall and may be lawful for the said Directors or Members of Committee, to appoint any of their Number, not less than Three, as Sub-Committees for particular Purposes, for the better attending to and transacting the Business of the said Company, and subject to the Approbation of the Committee of Management, or their Quorum before specified; and the Chairman or Deputy Chairman for the Time being, or any Two or more Directors or Members of Committee, may, at any Time when he or they shall think fit, call a Meeting of the Committee of Management, by Notice in Writing to be sent by the Clerk to the Residence or Place of Address of every one of the Directors or Members thereof.

For supplying Vacancies in the Direction.

XLVII. And be it further enacted, That when and as often as the Chairman, Deputy Chairman, or any Director to be elected by virtue of this Act, shall die or become disqualified as aforesaid, or shall refuse or neglect to attend the Meetings of the said Committee of Management for the Space of Six Calendar Months, it shall be lawful for the remaining Directors or Members of said Committee to choose some One of their Number to be Chairman and Deputy Chairman, and some other Proprietor as a Director or Member of Committee in the Place which may thus be vacated; and every such Director or Proprietor so to be elected to fill any such Vacancy shall continue in his Office as Chairman, Deputy Chairman, or Director, until the Second *Monday* of *June* thereafter.

Directors may appoint Officers;

XLVIII. And be it further enacted, That it shall and may be lawful for the said Directors or Committee of Management, and they are hereby authorized and required, from Time to Time to nominate and appoint, by a Writing to be engrossed in their Sederunt Book, a Manager or Collector,

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

and take Security;

and balance and settle Accounts every Year.

XLIX. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office

Same Person not to be Clerk and Treasurer.

Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Company, 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 or Persons who shall sue for the same, to be recovered with full Costs of Suit in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Provision for Contingencies and Division of Profits.

L. Provided also, and be it further enacted, That such a Sum as the said Committee of Management shall think proper, not being less than One Tenth Part of the yearly free Profits to arise from the said Undertaking, shall be set apart and be accumulated until the same shall amount to Six thousand Pounds Sterling, as a Sum for answering Contingencies; and the said Committee of Management are hereby authorized and empowered, if they shall see Cause, to continue to set apart and augment the said contingent Fund in Manner aforesaid, until the same shall amount to any Sum not exceeding Twenty thousand Pounds Sterling; and such Sum or Sums so set apart from Time to Time and accumulated as aforesaid, shall be lodged or invested in Government Securities, or in the Stock of any other chartered Company, or lent out at Interest upon such Security as may be approved of by the said Committee of Management; and the Dividends or Interest arising from the said accumulated Fund of Twenty thousand Pounds Sterling, or other Sum if increased in Manner aforesaid, as well as the whole yearly Profits to arise from the said Undertaking, shall be divided among the several Proprietors of the said Company, according to the Share or Shares which they severally hold in the said Undertaking; but if, from any Accident which may happen to the said Undertaking, the said Sum or Sums of Money, or any Part thereof so set apart, shall be required for the Purposes aforesaid, no Dividend to a greater Extent than Five Pounds *per Centum per Annum* on the Sums advanced by the several Members of the Company towards the said Undertaking, shall be made of the Profits to arise from the same, until the Part thereof which shall have been so expended shall be replaced by a Share of the annual Profits set apart in Manner before directed, or until another Sum or Sums of Money, not less than Six thousand Pounds, shall be set apart as aforesaid; and no Dividend shall be paid in respect of any Share or Shares, unless the whole Calls which have been made for Money on account of such Share or Shares, as herein-after provided, shall have been fully paid.

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

LI. And be it further enacted, That the Receipt or Receipts of the Person, or any one of the Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company, or the Receipt of any Mandatory of such Person or Persons, shall from Time to Time be a sufficient Discharge to the Treasurer or Treasurers, or others appointed by the said Committee of Management to pay the said Dividends for the Time being, for any Dividend or Dividends, Sum or Sums of Money which shall become due and payable, and

and be paid for or in respect of such Share or Shares, notwithstanding any Uses, Trusts, Intents, or Purposes upon or to which such Share or Shares shall be then settled, conveyed, or assigned.

Committee of Management may make Calls for Money;

LII. And be it further enacted, That the Committee of Management shall have full Power and Authority from Time to Time, at any of their Meetings aforesaid, to make such Call or Calls for Money from the several Subscribers to and Proprietors of the said Undertaking, in order to defray the Expences of or of carrying on the same, as they shall from Time to Time find wanting and necessary for these Purposes, until the Sums subscribed are fully paid; but no such Call shall exceed the Sum of Ten Pounds *per Centum*, for or in respect of every Share in the said Undertaking, and so that no such Calls be made but at the Distance of One Calendar Month at least from each other, and so that Fourteen Days previous Notice at least shall be given of every such Call, by a Circular Letter to each Proprietor, transmitted through the General Post Office of *Edinburgh*, or by Advertisement or otherwise, as the Committee of Management may direct; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer, or other Person appointed to receive the same by the Committee of Management of the said Company, to be issued, paid, and applied for carrying on the said Undertaking, in such Manner as the Committee of Management shall from Time to Time order and direct; and the said Committee of Management shall also have full Power and Authority, on Behalf of the said Company, to contract for and purchase all such Lands, Tenements, or Heritages as the said Company are hereby authorized to purchase, and all such Materials and other Things as shall or may be wanted for the said Undertaking and the Works hereby authorized to be made; and also to sell, feu, let, and otherwise dispose of such Lands, Tenements, Heritages, Subjects, Materials, and others, if they shall see cause, and to treat and agree with all and every Person or Persons, Bodies Politic, or Corporate, or Collegiate whomsoever, touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons, in and about or for the carrying on of the said Undertaking and Works, or any Part thereof, as they shall think proper, and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all and sundry the Affairs and Business of the said Company, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized to do.

and contract for and purchase Lands.

Proceedings of Committee and General Meetings to be entered,

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

Committee to enter their Proceedings.

LIV. And be it further enacted, That the Committee of Management shall enter or cause to be entered in a Book or Books a full and true Account of all Money disbursed and Payments made by such Committee of Management, and by all and every Person and Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively, for or on account of the said Company; but that no Money shall be issued or paid by the Treasurer or other Person having Charge thereof to the said Company for or on account of the said Company, otherwise than in such Manner as shall be directed by the Committee of Management.

Money not to be issued but as directed.

Committee may make Bye-laws.

LV. And be it further enacted, That the said Committee of Management shall also have full Power and Authority from Time to Time to make such Rules, Orders, and Bye-laws as to them shall seem meet and proper, for the good Government of the Affairs of the said Company, and for regulating their own Proceedings, as well as the Proceedings of all Deputies, Officers, Servants, and Workmen to be employed in and about the Affairs and Business of the said Company, and for the orderly Behaviour of all Workmen and other Persons who shall be employed in or about the said Undertaking, and for their Superintendence in all respects whatever, and for the well and orderly using of the said Undertaking, and the Pipes and Works thereto belonging, and from Time to Time to alter or repeal such Rules, Orders, and Bye-laws, or any of them, and to make others, and to impose and inflict such reasonable Fines upon all such Persons employed by the said Company offending against such Rules, Orders, and Bye-laws, or any of them, not exceeding Five Pounds Sterling for any one Offence, as to the said Committee of Management shall seem expedient: Provided that such Rules, Orders, and Bye-laws be not repugnant to the Law of *Scotland*, or to any express Directions and Provisions of this Act, or to any Contract or Agreement entered into between the said Company and Persons receiving Gas from them; and provided that such Rules, Orders, and Bye-laws shall be subject to the Review of any General Meeting of the Company.

Appeal from Bye-laws.

LVI. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Sentence, Order, or Judgment made or given in pursuance of any such Rule, Order, or Bye-law, may, within Six Weeks next after any such Order or Judgment or Determination shall have been made or given (first giving Eight Days Notice in Writing to the Clerk of the said Company and to the Person or Persons against whom any Complaint is intended to be made), complain to the Sheriff Depute of the Shire of *Edinburgh*, or to any one of his Substitutes who shall hold his Court in the said City of *Edinburgh*, who shall hear and determine the said Complaint; and the said Sheriff Depute or his Substitutes, if he or they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of any such Rule, Order, Bye-law, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as he or they may judge reasonable; and the Determination of such Sheriff Depute or his Substitutes, in any Action or Suit brought before him or them, shall be

be final and conclusive, and not subject to the Review of any Court or Courts whatever, any Law or Custom to the contrary notwithstanding.

Calls to be made on Proprietors;

LVII. And be it further enacted, That every Proprietor of any Share or Shares in the said Undertaking, shall from Time to Time pay his or her Proportion of the Money to be called for, as herein-before mentioned, into the Hands of the Treasurer or other Person appointed by the said Committee of Management to receive the same, at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such Call, and of which such Notice shall be given as is herein-before directed; and if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Committee of Management to sue for and recover the same with Interest, at the Rate of Five Pounds Sterling *per Centum per Annum*, from the Time appointed for the Payment thereof, in any competent Court in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, as the Case may be; and in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so first to be called for as aforesaid, for the Space of Six Calendar Months after the Time already appointed or to be appointed for Payment of said first Call as aforesaid, and the same shall not have been sued for by the Company as aforesaid, or if sued for, shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof, and any Deposit or Deposits made by such Person or Persons; and all Shares and Deposits that shall or may be so forfeited, shall be vested in the said Company in Trust for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the Committee of Management of the said Company be sold by Public Auction for the most Money that can be got for the same; and the Produce thereof shall be divided among them in Proportion to their respective Shares and Interests in the said Undertaking; and in the Event that any Person or Persons paying any such first Call as aforesaid, shall neglect or refuse to pay his, her, or their proportionable Part or Parts of the Money to be thereafter called for as aforesaid, and for the Space of Six Months after the Time to be appointed for Payment thereof as aforesaid, and the same shall not be sued for by the said Company as aforesaid, or if sued for shall not be recovered by them, then and in such Case the Share or Shares shall and may be sold by the said Company or their Directors or Committee of Management, by Public Auction for the highest or best Price or Prices that can be got for the same, every such Sale being advertised at least once a Week for Three Weeks successively in some One or more of the Newspapers published in *Edinburgh*; the said Company or their Committee of Management rendering an Account of every such Sale or Sales to every such Person or Persons when demanded, and paying to every such Person any Overplus of such Price or Prices, after deducting all such Charges and such further proportional Sum or Sums of Money which may remain due upon such Share or Shares by such Person or Persons to the said Company; but no Advantage shall be taken of such Forfeiture

and if first Call not paid within Six Months, Shares and Deposits to be forfeited.

feiture of any Share or Shares in the said Undertaking as aforesaid, unless the same shall be declared at some General or Special Meeting of the said Company, or at some Meeting of the said Committee of Management which shall be held not earlier than Two Months next after the said Forfeiture shall happen; and that every such Forfeitures so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assignees and the said Company, with regard to the future carrying on and Management of the said Undertaking.

Directions for Proceedings in Actions for Calls.

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

Shares may be sold and transferred.

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

Form of Transfer or Conveyance.

'I *A. B.* in consideration of the Sum of paid to me by '*C. D.* do hereby sell, assign, convey, transfer, and make over to and 'in favour of the said *C. D.* his Executors and Successors whomsoever, 'the Sum of Capital Stock of and in the *Edinburgh* Oil Gas 'Light Company, being One Share (*or so many Shares as the Case may 'be*) in the said Undertaking, to be held by the said *C. D.*, and his fore-'saids, subject to the same Rules, Orders, and Restrictions and under the 'same Conditions that I held the same immediately before the Execution 'hereof; and I the said *C. D.* do hereby agree to take and accept the

'said Capital Stock, subject to the same Rules, Orders, Restrictions,
'and Conditions. In witness whereof we have subscribed these Presents,
'written upon Paper duly stamped by at the
'Day of before these Witnesses
'and

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

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

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

Names of Proprietors to be entered and Certificates delivered.

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

Persons whose Names stand in Company's

LXII. And be it further enacted, That the Bodies Politic, Corporate and Collegiate, and all and every Person and Persons whose Names shall

Books as Proprietors to be deemed such.

shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of every Call or Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties, to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given, shall be given to the Party appearing by the said Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, by Letter transmitted through the General Post Office in *Edinburgh*, to his, her, or their last or most usual Place of Abode, be in all respects good, sufficient, and conclusive; and all Payments of Interest or Dividends due, and to become due on such Shares, shall be made to such Persons as by the said Books of the said Company shall so appear to be a Proprietor or Proprietors thereof; and that no Assignment, Transfer, Conveyance, or Sale of any Share or Shares, or other Instrument giving Title to any Share or Shares, which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence either to defeat any Action or Suit brought or to be brought by the said Company to recover the said Calls, or to entitle any Persons to recover any Share or Shares forfeited to the said Company or to make the said Company liable to the Payment of Dividends to any other Person than such as appear from the said Book to be Proprietors of the said Shares; but that in all Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Share or Shares.

Property of Undertaking vested in the Proprietors.

LXIII. And be it further 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 and constructing the Works, Machines, and other Things authorized by this Act, and all other incidental 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 prescribed by this Act.

Where Actions are to be tried.

LXIV. And be it further enacted, That all Actions or Suits relative to this Act, and all Fines, Penalties, Damages, and Expences relative to Property within the said City and Suburbs of *Edinburgh* and Places adjacent, shall be brought and sued for before the Lord Provost and Magistrates of *Edinburgh*, or before the said Sheriff Depute of *Edinburgh* or his Substitutes; and that all such Actions or Suits for or in regard to Property of any Description belonging to the said City, or which shall be at the Instance of the said Provost and Magistrates as representing the Community of the said City, shall be brought and sued for before the said Sheriff Depute or any of his Substitutes, and the Sentences of such Judges

Judges in such Actions or Suits shall be final and conclusive, and shall not be subject to Review of any Court whatever, any Law or Custom to the contrary notwithstanding; and all Forfeitures and Penalties to be recovered under the Authority of this Act by the said Company, shall be applied towards the Purposes of this Act, under the Deduction of the Expences incurred in recovering the same.

How Notices may be served on the Company.

LXV. And be it further enacted, That in all Cases where it may be requisite and necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices, Citation or Summons, or other legal Proceedings upon the said Company, the Service thereof upon any Two Members of the said Committee of Management for the Time personally, or left at their last or usual respective Places of Abode, or on the Clerk or Manager 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,

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

and Commissioners of Police.

LXVII. Provided always, and be it further 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 or Persons, of any Right which they or any of them at present possess, or of interfering with any Right which they or any of them may hereafter acquire, of lighting the Streets with Gas Lights, or in any other Manner: Provided also, that nothing in this Act contained shall extend or be construed to defeat, abridge, alter, obstruct, or in any manner of way interfere with the Rights of any Person or Persons, to make, enlarge, repair, or amend any Vault under any Street within the said City and Suburbs thereof, or Places adjacent thereto: Provided also, that nothing herein contained shall extend or be construed to prevent any Person or Persons from proceeding against the said Company of Proprietors, or against any of their Deputies, Agents, Officers, Servants, or Workmen, in respect of any Work of the said Company of Proprietors, or 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 of Proprietors, or any of their Deputies, Agents, Officers, Servants, or Workmen for any Injury sustained by reason of any such Works or Method of Light, whether such Injury shall proceed from the Nature of such Method of Lighting, or the Carelessness or Want of Skill of the Persons who may be employed therein.

Company may be prosecuted for a Nuisance.

For Protection of Water and Gas Pipes.

LXVIII. 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 round any Street, Square, Market Place, Passage,

Passage, Road, or other Place in the said City and Suburbs of *Edinburgh* and Places thereto adjacent, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Two Feet at least as well from the nearest Part of any Water Pipe already laid down or hereafter to be laid down by order of the *Edinburgh* Joint Stock Water Company for the Conveyance of Water, in, under, through, along, across, or round any of the said Streets, Squares, Market Places, Passages, Roads, or other Places aforesaid, as also from the nearest Part of any Main or Conduit Pipe laid down by order of the *Edinburgh* Gas Light Company, for the conveyance of Gas in, under, through, along, across, or round any of the said Streets, Squares, Market Places, Passages, Roads, or other Places aforesaid, (unless in Cases where it shall be unavoidably necessary to lay the Oil Gas Pipes across any of the Water Pipes of the said Joint Stock Water Company, or Gas Pipes of the said Gas Light Company, in which Cases the said Oil Gas Pipes shall be laid over and above the said Water Pipes and Gas Pipes at the greatest practicable Distance therefrom, and shall form therewith a right Angle); and that in such Cases the said Gas Pipes so crossing the said Water Pipes and Gas Pipes of the said Gas Light Company, shall be at least Nine Feet in Length, so that no Joint of any of the Gas Pipes shall be nearer to any Part of the said Water Pipes and Gas Pipes of the said Gas Light Company than Two Feet at least, and that in laying down the said Gas Pipes the said Oil Gas Light Company, their Successors or Assignees, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon Pain of forfeiting for every Offence the Sum of Ten Pounds, to be recovered as any Penalty is herein directed to be recovered.

Oil Gas Company to prevent Escape and Contamination, &c. of Water.

LXIX. And be it further enacted, That whenever the Water of the *Edinburgh* Joint Stock Water Company shall be contaminated or affected by the Gas of the said Oil Gas Light Company, the said Oil Gas Light Company 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 said Water Company; and in case any such Water shall be contaminated or affected by Gas from the said Oil Gas Light Company in any Way whatsoever, that then, and in every such Case and Cases, the said Oil Gas Light Company, their Successors and Assignees, shall within Twenty-four Hours next after Notice thereof in Writing signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being, of and for the said Water Company, to be left at the usual Office or Place of transacting Business of the said Oil Gas Light Company, cause the most proper and effectual Measures to be taken, effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Water Company; and in case the said Oil Gas Light Company, their

their Successors or Assignees, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, 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, that then and in every such Case the said Oil Gas Light Company, their Successors or Assignees, shall on each and every 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 the said Water Company, for the Use and Benefit of the said Proprietors, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the Water of the said last-mentioned Company shall be and remain contaminated, tainted, or affected by the Gas of the said Oil Gas Light Company; and in Default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, or by and in the Name of the Manager and Chief Clerk for the Time being of the said Water Company, or by and in the Name of any One or more of the Directors of the said Water Company, at the Option of the Parties prosecuting such Information against the said Oil Gas Light Company, their Successors or Assignees, before the Sheriff Depute of the County of *Edinburgh*, with Costs, and to be levied by Poinding and Sale of the Goods and Chattels of the said Oil Gas Light Company, their Successors or Assignees, together with the Charges of such Poinding and Sale, by Warrant of the said Sheriff Depute, which Warrant he is hereby empowered to grant; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer or to one of the Directors for the Time being of the said Water Company, for the Use of the said Proprietors.

For ascertaining if the Water is contaminated.

LXX. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Oil Gas Light Company; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Water Company to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Oil Gas Light Company, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Company, and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Oil Gas Light Company, the Costs and Expences of the said Digging, Search, and Examination and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed shall be borne and paid by the said Oil Gas Light Company, which Costs and Expences shall be ascertained and determined, if necessary, by the said Sheriff Depute 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 of the Mains, Pipes, or Conduits of the said Oil Gas Light Company, then and in such Case the said Water Company shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Oil Gas Light Company any Loss, Injury, or

Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Oil Gas Light Company in and by such Search and Examination, and also to the Pavement of the said Streets 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 Depute as aforesaid.

Not to make Gas from Coal.

LXXI. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to authorize, nor shall it be lawful for the said Company to manufacture or produce Gas or Inflammable Air, or the Products obtained in the Process of making Gas or Inflammable Air, from Pit Coal, Cannal Coal, or Coal of any other Species, Description, or Denomination.

Public Act.

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

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